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New York

President: Mr. Holkeri ..... (Finland)

The meeting was called to order at 3 p.m.

Agenda item 34 *(continued)*

Oceans and the law of the sea

Reports of the Secretary-General (A/55/61, A/55/386)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its first meeting (A/55/274)

Draft resolutions (A/55/L.10 and Corr.1 and A/55/L.11)

Mr. Moura (Brazil): The entry into force of the United Nations Convention on the Law of the Sea (UNCLOS) was a landmark in our recognition of the need to act collectively. However, six years later, despite the Convention and the international legal framework that it gave rise to, the implementation and effective regulation of these arrangements remain unfulfilled. This state of affairs has to do with the complex legal, economic and environmental issues involved in the governance of the oceans as developing and developed countries seek to cooperate in the management of a vast array of interconnected ecosystems that have no clear boundaries.

Over the past decade, growing concerns over how best to manage activities that can affect the availability of marine resources, navigation, land-based pollution, coastal degradation and climate change have brought to the fore three major issues.

The first major issue includes, inter alia, the need to promote marine scientific research on issues at the centre of our concerns, such as the evaluation of fish stocks and of non-living marine resources and the development of clean technology for exploiting them in a sustainable manner.

For developing countries such as Brazil, effective international cooperation in the field of marine science offers an important potential source of technology transfer and helps ensure the open circulation of information in areas of great strategic and economic importance. In fact, sustainable and environmentally safe growth in developing countries is directly linked to the worldwide diffusion of technical knowledge and the transfer of appropriate technology. We therefore welcome the focus of the forthcoming meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea on the links between development and technology. By improving international efforts in this field, especially as regards capacity-building, we hope to see effective progress in implementing Parts XIII and XIV of UNCLOS.

The second major issue is the lack of financial resources to fulfil these goals in the fields of scientific research and technology transfer. If safe and efficient technology is to be effectively disseminated, we must enhance programmes that offer not only technical assistance, but also financial support, at both the

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bilateral and multilateral levels. We are therefore pleased that both the Consultative Process and the draft resolution we shall be adopting make reference to the crucial role reserved for international financial institutions and for partnerships with the private sector.

The decision to set up trust funds is also welcome. The resources that will be made available for developing countries to take part in next year's Consultative Process will enhance its effectiveness by allowing a broader range of delegations and opinions to be represented. By the same token, these resources will considerably alleviate the financial burdens on developing countries of preparing their submissions to the Commission on the Limits of the Continental Shelf and to the International Tribunal for the Law of the Sea.

The third major issue is the need for an integrated and internationally coordinated approach. Underlying many of the barriers to implementing the provisions of UNCLOS is the difficulty in coordinating the actions of Governments, international agencies and civil society. We look forward to the Consultative Process as an opportunity for an open discussion of how best to enhance inter-agency coordination and to strengthen the structures within the United Nations system.

My delegation was pleased with the outcome of last May's first meeting of the Consultative Process. It offered valuable information and insights that I am certain will help us to identify ways of better coordinating action in two key areas: marine pollution and fisheries management.

As concerns marine environment protection, the discussions pointed to the importance of putting into practice the Global Plan of Action. I am pleased to say that, together with Argentina and Uruguay, Brazil is developing a regional-seas programme that provides for coordinated action in our region within the wider global framework. This is a practical example of how we can revitalize the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, a tool that offers modern and flexible formulas for cooperation by bringing together the relevant organizations and sectors in the integrated management of marine affairs.

The discussion on fisheries management underscored, likewise, the positive role regional arrangements can have in controlling predatory fishing and other ecologically unsustainable practices. Yet it was also noted that, together with creating new mechanisms and forums, we must ensure that the available international regulatory instruments are fully complied with and improved. We therefore look forward to seeing progress in the implementation of the agreements on straddling fish stocks and highly migratory fish stocks, the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations and the International Plan of Action on the Management of Fishing Capacity.

The Consultative Process was not, however, the only positive development over the last year in ocean affairs. We welcome the adoption last July by the Assembly of the International Seabed Authority of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. This opens the way for the rational and sustainable exploitation of these shared resources.

The recent inauguration of the headquarters of the International Tribunal for the Law of the Sea in Hamburg will ensure that it will be fully able to discharge its important role in the peaceful settlement of disputes.

Finally, the open meeting last May of the Commission on the Limits of the Continental Shelf contributed to enhancing general awareness of the assistance the Commission can offer to States in preparing their submissions.

As a result of the Consultative Process, of which Brazil was a sponsor, we believe that our debate today has been enriched and better focused. We therefore look forward to the ongoing discussion at all levels on how to ensure the sustainable management of our vast but ever more finite marine resources.

Miss Durrant (Jamaica): I have the honour to speak on agenda item 34, "Oceans and the law of the sea," on behalf of the 14 member States of the Caribbean Community (CARICOM) that are members of the United Nations. We associate ourselves with the statement made earlier by the Permanent Representative of Samoa on behalf of the Alliance of Small Island States.

Nearly 18 years ago, on 10 December 1982, the United Nations Convention on the Law of the Sea was opened for signature in Montego Bay, Jamaica, after 14 years of work involving more than 150 countries. The

adoption of the Montego Bay Convention was a signal achievement. It represented the recognition by the international community of the central importance of oceans and seas to the productive existence of the world's peoples and to the well-being of future generations. It expressed the commitment of the community of nations to more effective management and protection of the resources and services of the world's oceans and seas, and it ensured attention to equity and justice in the exploitation of the shared patrimony by present and succeeding generations.

CARICOM States take this opportunity to underscore the importance that they attach to the Montego Bay Convention as the comprehensive legal framework for governance of the oceans and as the seminal work in which all instruments and organs addressing ocean affairs must be grounded. Indeed, the drafters of the Convention saw the need to create three institutions to ensure the proper implementation of the Convention: the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. For us it is extremely important that the integrity of the Convention and the institutions created by it are maintained.

CARICOM States have over the years participated actively in the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review. We see the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, established by resolution 54/33, as a mechanism to support the annual review by improving coordination and cooperation, while respecting the competence of the institutions of the Convention. We therefore welcome the fact that the second meeting of the Consultative Process will focus on marine science and the development and transfer of marine technology.

We wish, through you, Mr. President, to thank the Division of Ocean Affairs and the Law of the Sea for the valuable work done to coordinate and disseminate information in this area. We continue to stress the importance of training in all matters related to oceans and the law of the sea, specifically for developing States. The benefit of the Division's TRAIN-SEA-COAST programme, which is supported by the United Nations Development Programme, is worthy of mention. We encourage the Division to expand this programme to other countries.

We also wish to thank the many States that have contributed to the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea, which is intended to promote a wider appreciation of the Convention and to enhance specialized experience in ocean law, maritime affairs and related disciplines. We urge States and others in a position to do so to assist in the expansion of this valuable programme in order to respond to the high number of applications received from deserving candidates. We are pleased that a national of a CARICOM State — Barbados — was a recipient of last year's fellowship.

CARICOM States welcome the report of the Secretary-General contained in document A/55/61, which addresses, in detail, the developments towards implementation of the Convention and the 1994 Agreement, and which reports on the work undertaken during the past year by the institutions created under the Convention.

The International Seabed Authority has been charged, under part XI of the Convention, with organizing and controlling the exploration and exploitation of the non-living resources of the seabed and ocean floor and subsoil beyond the limits of national jurisdiction. This body is unique, since it will not only oversee the activities in the Area by contractors, but will also engage in exploration and exploitation of the area through its enterprise. It is through the Authority that States parties to the Convention will ensure that the oceans and seas beyond the limits of national jurisdiction remain the common heritage of mankind.

We therefore welcome the achievements of the International Seabed Authority during its sixth session, held in March and July of this year. We are extremely pleased that the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area were adopted by the Council and the Assembly in July. We consider this a significant step in the work of the Authority, as the way has now been paved for the Authority to enter into contracts with the registered pioneer investors for the exploration of the Area. We note that draft contracts have already been forwarded to the pioneer investors and the Authority is awaiting the information required under the regulations, including the five-year programme of work, to be

provided by the pioneer investors. We urge a prompt response from the investors and the expeditious execution of the contracts. We also welcome the adoption of the rules of procedure of the Legal and Technical Commission of the Authority.

Let me take this opportunity, on behalf of CARICOM, to congratulate Mr. Satya Nandan on his re-election as Secretary-General of the Authority. We offer him our continued assistance and full cooperation. CARICOM States attach great importance to the Authority and its organs, and we are pleased that three CARICOM States are now represented on the Council: Guyana, Trinidad and Tobago and Jamaica.

There is still much work to be done by the Authority. Indeed, it should be recalled that at the resumed fourth session of the Authority, held in 1998, the Russian Federation referred to evidence of polymetallic sulphides and cobalt-bearing crusts in the Area and requested that the Authority begin drafting regulations for the prospecting and exploration of these minerals. Members will be aware that once such a request is made, the regulations should be completed within three years of the request. The Authority will therefore have to work assiduously to ensure that these regulations are drafted and concluded by the end of 2001. The Authority will also have to adopt the environmental guidelines which are referred to in regulation 32 of the recently adopted Regulations and which are currently being reviewed by the Legal and Technical Commission.

We therefore wish to emphasize the need for States parties to the Convention to attend and participate in the meetings of the Authority to ensure the successful completion of its work. We are very concerned that, because of the financial constraints faced by many States, developing country participation in the fundamental work being undertaken by the Authority has been severely constrained. The importance of effective developing country participation, if we are to ensure equity in the benefits to be derived from the exploitation of this common heritage of mankind, cannot be overemphasized.

Over the past years the Authority has organized workshops on the non-living resources of the seabed and the environmental effects of seabed mining. Some of these workshops have been held in conjunction with meetings of the Authority in an effort to encourage wide participation and to disseminate information for the benefit of all States. Unfortunately, as I stated earlier, developing country participation at the meetings of the Authority, and thus at the workshops, has been limited by financial constraints. We would therefore give very strong support for the Authority's consideration of the establishment of a voluntary trust fund to facilitate developing country participation in these meetings and workshops and to contribute to the building-up of knowledge and expertise of the developing countries.

CARICOM States welcome the continued development of the jurisprudence of the International Tribunal for the Law of the Sea. The Tribunal is fundamental in settling disputes regarding the interpretation and application of the Convention. It is unique in that it has special competence to hear applications for the prompt release of vessels and crews and to deal with requests for provisional measures. The Tribunal is integral to the realization by States of the common heritage, since it is the only body, through its Seabed Disputes Chamber, to which disputes relating to the Area may be submitted. We are therefore pleased to note that States are recognizing the jurisdiction of the Tribunal and have submitted their disputes to this body.

At this time CARICOM States wish to express our condolences to the Tribunal and to the Government and people of China on the loss of Judge Lihai Zhao in October of this year. We recognize the invaluable contribution to the Tribunal and to international law which he made — in particular, to the law of the sea.

CARICOM States welcome progress made by the Commission on the Limits of the Continental Shelf in assisting States parties in preparing submissions in respect of the outer limits of the extended continental shelf. We underscore the need for training in the preparation of submissions for developing States with limited technical capacity. We are therefore pleased that the Commission has adopted the outline for the first such training programme, and we look forward to its implementation.

We share the concerns of other Member States regarding the ability of developing countries, in particular, to comply with the 10-year time limit for submissions to the Commission, established under article 4 of annex II to the Convention. CARICOM States would be willing to participate in any discussion

relating to the constraints of the time limits imposed by the Convention.

CARICOM States also note with appreciation the Secretary-General's report on progress in the protection and preservation of the marine environment. The Convention recognizes the importance of protecting and preserving the marine environment and, in part XII, stipulates a range of measures through which States may achieve this objective. As small island and coastal States, CARICOM States are heavily dependent on, and influenced by, the coastal and marine environment. Issues related to integrated ocean and coastal zone management are inextricably linked to the broader objective of sustainable development, especially as regards the challenge of ensuring the well-being of the population, particularly coastal communities and industries, while promoting healthy, viable and productive coastal and marine space.

Our States are particularly exposed to the influence of natural phenomena, which play a principal role in the deterioration of coastal and marine environments. The devastating effect of such events as floods, hurricanes, climate change and sea-level rise on small island and coastal States must be emphasized. Our vulnerability to these natural hazards has compounded the challenge which our Governments face in achieving sustainable development through effective ocean and coastal zone management.

CARICOM States are therefore concerned with the protection of our regional marine space — the wider Caribbean Sea. The need for an effective regional regulatory mechanism for sustainable fisheries and the need to ensure adequate protection of our fragile marine ecosystems from harmful effects such as oil spills and pollution from hazardous and nuclear waste are matters to which our States continue to attach high priority.

CARICOM is now seeking to put in place a comprehensive, multidimensional regime for the management and protection of the resources of the Caribbean Sea. To this end, CARICOM will be introducing a draft resolution in the Second Committee, and we look forward to receiving the full support of all Member States.

We also note the progress made in the development and management of marine resources, particularly fisheries, as stated in the report of the Secretary-General. We continue to collaborate in fisheries management and development through the CARICOM Fisheries Resource Assessment and Management Programme (CFRAMP), and we wish to take this opportunity to express our appreciation to the Government of Canada for its continued support for the programme, from which our region benefits significantly.

Fisheries management, particularly monitoring and information systems, have improved under CFRAMP. However, further development of capacity for more effective management of the information required under the United Nations Fish Stocks Agreement and the Food and Agriculture Organization of the United Nations (FAO) Compliance Agreement is needed. We look forward to progress in meeting this challenge in the future.

Global overfishing and overcapacity should not be used to justify management measures and capacity reduction inappropriate for small developing countries. Although this is the purview of the FAO, the Convention on the Law of the Sea provides the framework for all aspects governing the oceans and the seas. The United Nations should therefore play an integral role in ensuring that developing countries are afforded equal opportunity in the global management and sustainable development of marine living resources.

Of critical importance is the need for new approaches to marine science, technology and management which take into account the needs and concerns of developing countries, including small island developing States. Marine scientific research and technology must take appropriate scale and context into account. CARICOM States underscore the importance of the transfer of marine science and technology, and we stress the need for these issues to be addressed in a meaningful way by the United Nations system and the international community as a whole.

Another challenge faced by CARICOM States continues to be the cost of effective participation in the regional and international forums at which issues relating to oceans and the law of the sea are addressed. Representation at meetings is still inadequate, and this is reflected in the limited benefits which accrue to our member States.

In conclusion, CARICOM again emphasizes the importance of the oceans and seas, particularly for us

as small island and coastal States. The Montego Bay Convention has been widely accepted, and even those States that are not parties acknowledge that it is the overall legal framework governing all aspects of ocean space. We wish to encourage those States which have not yet done so to become parties to the Convention and its related Agreements as soon as possible.

Ms. Steains (Australia): Australia wishes at the outset to associate itself fully with the statement made yesterday by the Permanent Representative of Tonga on behalf of the countries of the Pacific Islands Forum. The members of the Pacific Islands Forum share a number of important common interests, not least in respect of the conservation, management and sustainable development of the marine living resources of the Pacific Ocean and other issues relating to the oceans and seas more generally. Australia attaches importance to its members of the Pacific Islands Forum and is pleased that the Forum's close cooperation in the vital area of the oceans and the seas has been evident once again in this past year.

Australia once again underlines the critical importance of the 1982 United Nations Convention on the Law of the Sea and the pivotal role it has played in the development of maritime space regulation since its entry into force in 1994. The Convention and the institutions created by it form the very foundations upon which Australia approaches maritime space.

The International Tribunal for the Law of the Sea plays a crucial role in maintaining the integrity of the Convention as a whole. We congratulate the Tribunal on the expeditious delivery of its orders and judgements in the five cases it has already heard and on the conclusion of the agreement with its host country, Germany, that has enabled it to move into its splendid new premises. Australia hopes to ratify the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea by the end of this year or early in the new year. Australia also welcomes the establishment of a trust fund, set out in draft resolution A/55/L.10, to increase access to the Tribunal for developing countries. We regard this as a vital step in enhancing the Tribunal's central role in the area of dispute resolution.

The International Seabed Authority achieved a milestone in July this year with its adoption of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. Australia is pleased with this outcome and will continue to discharge with diligence its duties as a member of the Council of the Authority. We also wish to congratulate Ambassador Satya Nandan on his unanimous re-election as Secretary-General of the Authority.

Australia welcomes the dialogue initiated with States parties by the Commission on the Limits of the Continental Shelf, through its first open meeting held earlier this year. Such initiatives are clearly beneficial both to the Commission and to the States intending to make submissions on the outer limits of their extended continental shelves, in accordance with article 76 of the Convention, and we thank the Commission for its conscientious and focused work in this regard.

Australia continues to value this annual review by the General Assembly of developments in oceans and the law of the sea, and we thank the Secretary-General for his comprehensive report.

Last year Australia co-sponsored resolution 54/33, which established the United Nations Informal Consultative Process on Oceans and the Law of the Sea, and was pleased to participate in May this year in the first meeting of this Process. Improved coordination and cooperation between the relevant United Nations agencies with competence in oceans and law of the sea issues, and between such agencies and member States, is crucial to the integrated management of the world's oceans. The first meeting of the Informal Consultative Process, which focused on illegal, unreported and unregulated fishing and on marine pollution, demonstrated the usefulness of this initiative, as is evident in the two draft resolutions before us today. Australia looks forward to strengthening the Informal Consultative Process, and encourages all States to participate fully in this forum.

Let me now turn to an area of particular concern to Australia: fisheries. Australia believes that becoming a party to the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and becoming a party to the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas are the two most useful legal steps that States interested in fisheries can take to ensure the sustainability of the resource. The United Nations Fish Stocks Agreement in particular is a significant

achievement, establishing as it does a progressive and comprehensive framework to better conserve and manage the world's major fisheries, many of which are under threat. It is therefore unfortunate that some States appear less than committed to it. Australia calls on all States that have not already done so to take the necessary steps to become parties to the Agreement. Australia itself has done so and is working through its internal procedures towards acceptance of the Compliance Agreement of the United Nations Food and Agriculture Organization (FAO). We sincerely hope that when we next meet on this topic both Agreements will have entered into force generally.

Illegal, unreported and unregulated fishing continues to represent a serious threat to the world's marine ecosystems. It has the potential to undermine the efforts of regional fisheries management organizations and is a major obstacle to achievement of the objective, contained both in the Convention and in the United Nations Fish Stocks Agreement, of conservation and sustainable management of marine living resources. Unfortunately, such fishing occurs in virtually all fisheries. It is now clear that concerted international action is urgently needed to address and, in time, to eliminate this practice. Indeed, Australia considers the inclusion of a number of important references to illegal, unreported and unregulated fishing in this year's draft resolution on fisheries to be one of the many positive and significant aspects of the draft resolution.

Australia welcomes the work being undertaken under the aegis of FAO to develop a comprehensive international plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing. Australia has supported these efforts from the outset, and was pleased to host, in cooperation with the FAO, a consultation of experts, drawn from a wide range of States, on the subject of such fishing. It took place in Sydney in May this year. We believe that this meeting proved a useful preparation for the FAO consultation held in Rome from 2 to 6 October.

Australia was disappointed that the consultation in Rome was unable to finalize a draft international plan of action. Australia urges all Member States to cooperate, as a matter of priority, in the adoption of a comprehensive international plan of action that contains a broad range of actions to deter, prevent and eliminate illegal, unreported and unregulated fishing. Specifically, this must include not only an emphasis on strengthening the exercise of flag State jurisdiction, but also port State controls, coastal State controls, market State controls and controls on nationals. Australia has utilized all of these controls on a domestic basis, but these actions must be translated into multilateral action in order to be truly effective.

On this point, Australia wishes to note an important and innovative multilateral initiative to prevent illegal, unreported and unregulated fishing — the adoption by the Commission for the Conservation of Antarctic Marine Living Resources late last year of a trade documentation scheme for toothfish, a species on the brink of commercial extinction. This scheme, a multilateral trade measure that is consistent with the World Trade Organization Agreement, has shown early signs of success in reducing the economic incentives for illegal fishing in the southern oceans. Australia believes that it also provides a useful model for broader international action on illegal, unreported and unregulated fishing.

It is a source of regret to Australia that, for the first time ever in the history of the General Assembly's consideration of this agenda item, a vote will be requested on the draft resolution on fisheries. The importance to humankind as a whole of the conservation, management and sustainable development of the world's living marine resources — an issue of particular importance to developing coastal and small island States, for which the ocean's resources are the principal source for their ongoing survival — has been recognized over the years by the draft resolution's traditional adoption by consensus. To break with this tradition is a regrettable action that risks undermining the positive and constructive developments that have taken place over the years, through the dedication and cooperation of all interested delegations, both developing and developed alike.

In this regard, Australia wishes to clarify some misunderstandings that appear to have arisen in respect of the preambular paragraph concerning one of the regional fisheries management agreements concluded earlier this year. Indeed, we wish to note in this context that, although the United Nations Fish Stocks Agreement has regrettably not yet entered into force, it has already had a positive impact. Australia is pleased to have been a participant in the negotiation of the first regional fisheries management agreement to be negotiated under the framework of the United Nations Fish Stocks Agreement.

The Convention for the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific, which was adopted at Honolulu in September this year, establishes a framework for the conservation and management of the world's last great tuna fishery that had not been subject to regional management. That Convention provides a model for cooperation to ensure that these resources are sustainably conserved and managed for the benefit of present and future generations. However, it will require the participation in the Convention of all those with major interests in the region if we are to achieve that result. Both the Central and Western Pacific Fisheries Convention and the Preparatory Commission remain open to those States that at the last moment chose not to support final agreement, and Australia urges those States to join with others in the Pacific region in working together to achieve our common objectives.

All of the participants in the process — which included coastal States located in the Western and Central Pacific, and States fishing for the relevant stocks in the region — agreed in the Majuro Declaration of June 1997 that the Agreement for the implementation of the provisions of United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks was the foundation of the process. Indeed, the participants declared their commitment to establish a mechanism for the conservation of highly migratory fish stocks in the region in accordance with the Convention and the United Nations fish stocks Agreement. Further, the Central and Western Pacific Fisheries Convention, in its article 2, provides that

> "The objective of this Convention is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the Western and Central Pacific Ocean in accordance with the 1982 Convention and the Agreement".

But the clinching argument is the savings clause of article 4, which provides that

> "Nothing in this Convention shall prejudice the rights, jurisdiction and duties of States under the 1982 Convention and the Agreement. This Convention shall be interpreted and applied in the context of and in a manner consistent with the 1982 Convention and the Agreement."

Thus, even if by some chance a particular provision standing alone could be interpreted in a way that rendered it inconsistent with the United Nations fish stocks Agreement, that savings clause would ensure that such an interpretation was eschewed in favour of one that maintained its compatibility with the Convention and the fish stocks Agreement.

So, quite apart from the incongruity of States that have not ratified the United Nations fish stocks Agreement posing as its defenders vis-à-vis others that have, particularly when we are in agreement on the fundamental principles that are at stake, the basis on which they do so is, I regret to say, misconceived.

No multilaterally negotiated text is ever completely satisfactory to all parties to its development, and that is equally true of both the current draft resolution on fisheries (A/55/L.11) and the Central and Western Pacific Fisheries Convention. But that is the very essence of compromise, and both documents are the product of just that. It is too easy to withhold support because this or that aspect is not entirely as we would wish it; Australia too could do so. But if we all fell into such an all-or-nothing mentality, this Organization would achieve far less than it currently manages to achieve. In that context, we recall that towards the very end of the recent informal consultations on the draft resolution on fisheries, the participants in the negotiations were extremely close to consensus agreement, with only one delegation standing outside that consensus. We therefore appeal to the State intending to abstain in the vote not to turn its back on the draft resolution. That is no solution to the problems faced by world fisheries today and would do nothing to promote the cooperative spirit, on the part of all, that is required to resolve them. As one of its sponsors, Australia urges all Member States to underline their commitment to cooperation by supporting the draft resolution when the Assembly takes action upon it.

Mr. Yel'chenko (Ukraine): My country has always demonstrated its firm commitment to the norms and principles of the 1982 United Nations Convention on the Law of the Sea. By ratifying the Convention last year, Ukraine strengthened its involvement in the strategic legal framework governing activities in the oceans and seas. In spite of the fact that it only recently became a party to the Convention, Ukraine has been effectively implementing it for many years and has accumulated substantial experience in this field. We

have already emphasized on previous occasions the point that the General Assembly is the global institution which has the competence to review ocean affairs in a coordinated manner, integrating all aspects of ocean use: political, legal, economic, social, environmental and technical. No other institution is in a position to have an overview of the holistic nature of ocean-related matters, which must be considered in a holistic manner. We consider the annual discussion of the present item in plenary meetings of the General Assembly to be extremely important.

Ukraine strongly believes that the role of such a powerful legal instrument as the Convention in managing ocean affairs should be further promoted and strengthened. We support all efforts aimed at exploring avenues that could contribute to the strict implementation of its provisions. The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea appears to be a very timely and potentially useful arrangement in that regard. Ukraine welcomes the establishment of the Consultative Process. We also welcome the discussion on marine science and piracy that is to take place next year during the Consultative Process. We share the views expressed by Rear Admiral James S. Carmichael, the representative of the United States, who emphasized yesterday the importance of the coupled ocean-atmosphere system and the sharing of data and information resulting from scientific research on the marine environment. Ukraine is also involved in the Global Ocean Observing System, partly through the Intergovernmental Oceanographic Commission of the United Nations Educational, Cultural and Scientific Organization, and partly through other channels.

I would like to stress that the debate by States and international organizations in that informal forum on a number of issues relating to the implementation of the United Nations Convention on the Law of the Sea and other international legal instruments related to the law of the sea is a useful continuation of the discussions that take place within the framework of the plenary meetings of the General Assembly. At the same time, I want to emphasize that the Consultative Process should be more structured, and that it should be aimed at achieving practical results.

Ukraine fully shares the concern expressed by the Secretary-General in paragraph 120 of his report on oceans and the law of the sea (A/55/61) that over-exploitation of marine living resources through excess fishing capacity continues to be of grave concern to the international community. We place special emphasis also on the problem of the prevalence of illegal, unregulated or unreported fisheries. Such activities are in fact not only detrimental to fish stocks as such, but also seriously affect the management of marine living resources by coastal States.

As a country suffering from the depletion of the fish stocks of its exclusive economic zone, Ukraine is extremely interested in addressing that problem. In most cases, it is non-compliance with the regime of the exclusive economic zone that stands as a major contributing factor to the problem. The United Nations Convention on the Law of the Sea clearly outlined the sovereign rights of coastal States for the purpose of exploring, exploiting, conserving and managing living natural resources. It is the coastal State that determines the allowable catch of living resources in its exclusive economic zone and decides whether to give foreign fishing vessels access to the surplus of the allowable catch. Other States and their nationals fishing in exclusive economic zones are obliged to comply with conservation measures and with the laws and regulations of the coastal State in question. Any non-compliance with this established legal regime on the part of foreign fishers not only circumvents the relevant principles and norms of the Convention but also constitutes a violation of national law and therefore entails responsibility under that law. Ukraine wishes to stress that the coastal State is entitled to use all means provided for under international law, and the Convention in particular, including enforcement measures such as boarding, inspection, arrest and judicial proceedings, to deter and penalize such illegal activities.

The increased incidence of illegal practices in exclusive economic zones makes obvious the urgent need for better cooperation between interested States to prevent illegal, unregulated and unreported fisheries. As a country with responsible fishery traditions, Ukraine is particularly interested in developing cooperation with the regional fisheries organizations. At the same time, it is worth mentioning that many developing countries and countries with economics in transition wishing to cooperate with regional closed-membership groups quite often face difficulties in meeting the too stringent requirements of such organizations. Such isolation from the regional legal

regimes may have undesirable and detrimental consequences.

On the other hand, the restrictive character of collective measures taken within the framework of regional fisheries organizations means that they do not always fully correspond to the real needs of the rational exploitation and conservation of marine living resources. Those measures are sometimes implicitly aimed at meeting the interests of a limited group of countries, while the interests of other countries, in particular those of distant fishery States, suffer from economic dislocation.

I call upon the regional fisheries organizations to enhance their cooperation with more States, in particular distant water-fishing States and geographically disadvantaged States, in adopting and implementing measures aimed at the rational exploitation, management and conservation of marine living resources.

My delegation considers the results of the Tenth Meeting of States Parties, held in New York in May, to be very positive. We support, in particular, the recommendations of that meeting to the General Assembly, which are included in the draft resolution under discussion. We welcome the recommendation in the draft resolution to establish the four voluntary trust funds. I take great pleasure in congratulating Norway on its decision to make an initial contribution of $1 million, subject to parliamentary approval, to the trust fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf by developing States, in particular the least developed countries and small island developing States.

Unfortunately, as with many countries with economies in transition, Ukraine will probably not be able to make any substantial contributions to the fund. However, I am about to suggest to my capital that we study the feasibility of sharing with developing countries, especially small island developing States, the information databases and charts which Ukrainian ships have collected over the years in the world's oceans. In the 1970s and 1980s probably the greatest proportion of the oceanographic and marine scientific research vessels of the former Union of Soviet Socialist Republics was operated under the auspices of the Academy of Sciences of Ukraine.

I should also like to add that at one time, 36 oceanographic vessels sailed to the Southern Ocean, the Atlantic Ocean, and, in particular, the Indian Ocean, from Ukraine's Black Sea ports. These vessels conducted research in all fields of marine science. Those which remain in operation — although many fewer than the original 36 — could be made available through bilateral arrangements with interested States to conduct exploratory work on the extended continental shelf in these and other areas.

We also welcome the inclusion of the new item on the agenda for discussion at the next Meeting of States Parties regarding the implementation of Convention provisions. But we cannot support the changes suggested in the rules of procedure of the Meeting of States Parties that envisage special privileges for the great Powers in taking decisions on financial issues. This would amount to weighted voting, which is contrary to the notion of the sovereign equality of States enshrined in the Charter of the United Nations. At the same time, the idea of establishing a financial committee of the Meeting of States Parties and the respective changes in the financial rules require further careful study.

We consider the increase in the number of arrests of ships on unjustified grounds, merely to satisfy the actions of creditors, to be a negative development. We condemn the arrest of crews with such vessels, which constitutes a violation of the crews' human rights. We would welcome the preparation by the International Tribunal of the Law of the Sea of a compendium of jurisprudential practice, which would illustrate clearly the limited grounds for the valid arrest of vessels in foreign ports.

Finally, we regard the results of the work of another institution established by the Convention — the International Seabed Authority — as very positive. We particularly welcome its adoption, at its sixth session held this year in Kingston, of the deep seabed mining code.

This year, as in years past, Ukraine has the honour to sponsor the draft resolution on oceans and the law of the sea, so ably introduced by Victoria Hallum, the representative of New Zealand. Paragraph 1 of the draft resolution calls upon all States that have not done so to become parties to the Convention and the Agreement. In this regard, we welcome the statement by the representative of the United States

that his country continues to pursue ratification, with the goal of becoming a party to the Convention and the part XI amending Agreement.

In conclusion, I welcome the provisions of the draft resolution recognizing the expected increase in responsibilities of the Division for Ocean Affairs and the Law of the Sea in view of the progress in the work of the Commission on the Limits of the Continental Shelf and the anticipated receipt of submissions from States. We believe that the Division, by virtue of the special responsibilities of the General Assembly, continues to play a pivotal role in this important process by monitoring all developments relating to the law of the sea and ocean affairs, as well as in servicing the Commission. Once again, we commend the Division for its excellent performance.

Mr. Paolillo (Uruguay) (*spoke in Spanish*): As in previous years, this year's discussion on the oceans and the law of the sea has been made easier by the report of the Secretary-General, which once again provides us with a wealth of clear, well-organized information. Accordingly, we wish to thank the Division for Ocean Affairs and the Law of the Sea, which was charged with preparing the report. We would only like to suggest that the Division consider structuring future reports so as to give readers a comprehensive, integrated overview of the current situation of marine areas and related developments, while continuing to provide a detailed analysis of the various aspects of this issue. We believe that in order to provide such a comprehensive overview, this additional material should include statistical data related to the main activities that are taking place in our oceans — such as fishing and the exploitation of non-living resources. The Division can easily obtain such data from other United Nations sources, and it would provide a statistical complement to the focus on legal institutions that predominates in the report. With this in mind, we think that the calls contained in paragraphs 43 and 44 of the draft resolution A/55/L.10 are very appropriate. These paragraphs call on intergovernmental organizations, specialized bodies and other institutions to contribute to the preparation of the Secretary-General's comprehensive report.

This time the General Assembly also has, in addition to the Secretary-General's report, another report from the first meeting of the Open-Ended Informal Consultative Process on this issue. We would like to thank and congratulate the Co-Chairpersons, Ambassador Tuiloma Neroni Slade of Samoa and Mr. Alan Simcock from the United Kingdom, for successfully conducting these informal consultations. We agree that the next round of consultations should focus on marine science and technology and on piracy. We believe that future consultations, along with being as productive as the first round, will offer experts from other countries the opportunity to contribute to the examination of this issue.

The issue of the oceans and the law of the sea has so many complex aspects, a simple reflection on the documents that have been submitted for our consideration must be incomplete. Uruguay is particularly concerned about two problems, to which I will limit myself here today.

The first problem is the question of the overexploitation of the living resources of the sea. We see this as one of the most serious problems we must address. It demands urgent solutions. The extreme seriousness of this problem is not due to a lack of legal regulations, but rather to the fact that many of the existing international instruments have been acceded to by only a relatively small number of countries, and because a number of these instruments have not entered into force because they lack the requisite number of ratifications.

Uruguay ratified the 1995 Agreement on straddling fish stocks and highly migratory fish stocks, and also accepted the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. However, neither of these two instruments has yet entered into force. We believe that a more vigorous campaign to promote the ratification and acceptance of the existing agreements should be initiated. And this campaign should go far beyond the customary annual pleas that we hear in this General Assembly.

In addition, the level of compliance with and implementation of the norms of the legal regime governing ocean activities is unsatisfactory. This is the case not only as regards fishing activities but also, unfortunately, in other areas of the law of the sea. It is our belief that in the future we must concentrate on reviewing the effectiveness of existing norms, while looking at new ways to urge and encourage States to fulfil and comply with these norms.

The second problem I would like to discuss is the protection and preservation of the marine environment.

Obviously this is an issue that must continue to be a priority item on our agendas. Without prejudice to all the other aspects of this problem deserving of the Assembly's attention, we would like to highlight the importance of intensifying international cooperation with respect to one of the major land-based sources of pollution of the seas: wastewater. Wastewater not only affects the marine environment but also land-based ecosystems and human health.

In this regard, we note with satisfaction a positive response that should be imitated. I am referring to the recent adoption by the Caribbean countries of a protocol on pollution from land-based sources and activities. This was a protocol to the Convention for the Protection and Development of Marine Environment of the Wider Caribbean Region.

We also take note of the fact that the United Nations Environment Programme (UNEP) is looking at this issue, and that the information-exchange unit that was set up in accordance with the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities is developing a methodology for taking steps regarding this kind of pollution. Over the long term, however, I believe it will be essential, in the near future, to hold a new world conference to address this problem.

As part of this discussion, I must bring up the issue of the marine transport of radioactive materials or wastes. With alarming regularity, boats transporting large quantities of radioactive material are using shipping lanes that pass along our coasts. When this has occurred and in response to protests from our authorities, the Governments whose flags are being flown by the ships in question have assured us that the transport is being carried out in line with all the existing safety standards. But we know that it will never be possible to exclude absolutely the possibility of an accident, and if an accident were to occur, it would have disastrous consequences for the maritime zones under our sovereignty and for our territory.

There is absolutely no reason for us to continue exposing our territories and our marine areas — and those of other countries — to such risks. It is our belief that we should adopt stricter regulations to ensure that the transport of such dangerous cargo use shipping lanes and meet standards that guarantee absolutely that coastal States will not suffer any damage in the case of an accident.

I cannot conclude without mentioning the successful completion of the negotiations carried out at the meeting of the International Seabed Authority with a view to formulating regulations on prospecting and exploration for polymetallic nodules in the Area. We know very well how complex this issue is, given the legal and technical problems associated with marine mining at great depths.

Mr. Shihab (Maldives), Vice-President, took the Chair.

The adoption of a genuine code to govern these activities is an achievement that should be welcomed and marks the beginning of a new stage in the activities of the International Seabed Authority, in which the working plans of the first seven investors can be put into effect.

We also wish to highlight the valuable contribution of the International Tribunal for the Law of the Sea to the consolidation of the rule of law in the international community and the work of the Commission on the Limits of the Continental Shelf. Our country, whose continental shelf extends more than 200 miles from our coast, looks forward to receiving valuable assistance from the Commission.

Mr. Hili (Malta): This delegation associates itself with the statement made yesterday by the delegation of France on behalf of the European Union.

This year's discussion on oceans and the law of the sea once again assumes significant importance in the work of the General Assembly. In view of its initiative on the concept of the common heritage of mankind, as applied to the seabed, Malta has been following this item with particular interest that has not subsided since 1967, when the late Dr. Arvid Pardo, the first Permanent Representative of Malta to the United Nations, launched the concept that eventually led to the adoption of the United Nations Convention on the Law of the Sea. Today, I take this opportunity to pay tribute to Ambassador Pardo for his remarkable legacy.

May I also thank the Secretary-General for his comprehensive report on agenda item 34, which highlights some of the challenges the international community is facing in ocean affairs.

My delegation strongly believes that the United Nations Convention on the Law of the Sea provides the overall legal framework within which all activities in this field must be considered. Problems of ocean space

are closely interrelated and as such need to be considered as a whole. The strategic importance of the Convention as a framework for national, regional and global action in the marine sector cannot be sufficiently underlined.

The General Assembly, during its fifty-fourth session, highlighted the need for international coordination and cooperation in ocean affairs. Furthermore, it also noted that oceans and seas present a special case for international coordination. The General Assembly therefore recommended that a more integrated approach be taken in addressing all legal, economic, social and environmental aspects of the oceans and seas.

Very much aware of this need, my delegation was at the forefront in promoting the establishment of an informal consultative process to facilitate the annual review by the General Assembly of developments in ocean affairs and to identify areas for enhanced intergovernmental coordination and cooperation. In this regard, we welcome the outcome of the first meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which proved to be very useful to the deliberations of the General Assembly on this agenda item.

This holistic approach gains enhanced relevance when we consider that the rate of change in the development of marine activities is presenting the international community with new challenges in the social, economic and environmental sectors. My delegation firmly believes that marine science, with all its related aspects, especially capacity-building, is fundamental to the implementation of the Convention. In this respect, we note with satisfaction the recommendation of the Assembly to the second meeting of the United Nations Open-ended Informal Consultative Process on Ocean Affairs and the Law of the Sea that it focus its attention on this theme, as well as on the issue of piracy at sea.

One other significant issue highlighted by the Secretary-General in his report is the traffic in narcotic drugs and psychotropic substances. Traffickers increasingly turn to sea transportation as a method of drug smuggling. My delegation believes that this issue must be addressed by the international community with urgency. It is a problem that cannot be solved through the individual actions of single countries, but calls for a coordinated and collective campaign aimed against such illegal practices. In this respect, we commend the work conducted by the United Nations International Drug Control Programme.

The smuggling of migrants is another matter of concern. It is the smugglers who commit such criminal actions who should be punished and not the victims, who are very often economically and physically victimized. Unfortunately, the Mediterranean region is increasingly experiencing such illegal practices. This situation calls for collective action by the international community to address this inhumane trade in desperate persons. The international community must address, in a comprehensive manner, such factors as poverty and unemployment that are the root causes of this problem.

My delegation believes that an integrated approach to coastal zone management, and in particular to land-based sources of pollution, is fundamental to sustainable development. In this context, we reaffirm our commitment to the implementation of the Global Programme of Action on Land-based Sources of Marine Pollution. Towards this end, the Government of Malta hosted the eleventh ordinary meeting of the Contracting parties to the 1976 Barcelona Convention on the Protection of the Mediterranean Sea. Furthermore, as a concrete step towards the implementation of the objectives set out in chapter 17 of Agenda 21, the Government of Malta has also ratified all but one of the Protocols to the Barcelona Convention.

The management of marine living resources is another priority of my delegation. In this regard, we welcome the steps taken by the General Fisheries Commission for the Mediterranean Sea to strengthen its role in fisheries management, and in particular the ban on the use of drift-net fishing in the Mediterranean Sea. We acknowledge that issues relating to illegal, unregulated and unreported fishing, as well as marine debris, call for urgent action. The efforts of the Food and Agriculture Organization of the United Nations to develop an international plan of action to deter illegal, unregulated and unreported fishing are highly commendable.

Finally, my delegation, in noting with satisfaction the adoption of the mining code by the International Seabed Authority, welcomes this new development which allows the Authority to proceed to issuing contracts to pioneer investors.

Oceans need to be managed in a sustainable manner for the well-being of both present and future generations. My country is perfectly aware of this, since Malta's history, dating back more than 7,000 years, has always been entwined with that of its surrounding sea. My delegation pledges its continued commitment to the achievement of this goal.

Mr. Gomaa (Egypt) (*spoke in Arabic*): At the outset, I would like to extend my thanks to the Secretary-General for his comprehensive report prepared under agenda item 34 of the General Assembly, regarding "Oceans and the law of the sea." In this connection, we would like to underline the important role undertaken by the Secretary-General concerning the item under discussion. In particular we would like to highlight his responsibilities emanating from the United Nations Convention on the Law of the Sea (UNCLOS) concerning the management of ocean affairs and the law of the sea, as well as the preparation of annual reports and special reports.

The year covered by the report refers to important developments concerning the participation in and accession to the legal system established by the United Nations Convention on the Law of the Sea (UNCLOS). This Convention is veritably considered one of the most important conventions concluded in modern times. The entry into effect of this Convention in 1994 had a great effect in supporting the legal system established by the Convention, which had been in practice even before the opening for signature of the Convention in 1982.

The best proof can be seen in the increased attention paid by the international community to the Convention and in the increasing number of countries acceding to it. The number of members that have acceded to the Convention has so far reached more than 130. In this connection, we would like to encourage the rest of the international community to accede to the Convention.

We would also like to urge the States parties to the Convention to submit the necessary declarations in accordance with Articles 287 and 288 concerning the settlement of disputes, because the number of States that have submitted declarations in this respect is still limited.

We have already established three institutions under the Convention: the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea. Thus, these institutions have effectively moved from the stage of creation to the stage of operation. The results of their work have become clear to all.

Egypt has actively participated in the efforts leading to the establishment of these institutions. We thus call upon the international community to proceed to the implementation of the legal system established by UNCLOS by applying the provisions of the Convention at the national level. In this connection, I would like to welcome the observation of the Secretary-General in his report that there is an increasing trend on the part of the States to adopt national strategies with regard to the oceans on the basis of the principle of integrated management. We see that this will help States to adopt relevant decision-making mechanisms at the national level. Here, we would like to confirm that there is a need to pay more attention to the ocean resources. In particular, we believe that the preservation and protection of marine environments is the responsibility of the whole international community.

We have taken note of the activities of the International Tribunal for the Law of the Sea over the past year. We encourage disputing parties to resort to the Tribunal to settle their differences. We would like to pay tribute to the significant effort made by the International Seabed Authority to enact the Mining Code, which is important in establishing the basis for exploring the seabed of the Area in a manner that preserves common rights to natural resources. At the same time, we would like to support the efforts of the Commission on the Limits of the Continental Shelf with regard to the question of training and the establishment of a trust fund to help in financing the participation of the members of the Commission from developing countries.

This year the Informal Consultative Process held its first meeting. Even though the General Assembly will evaluate the work of this Process during its fifty-seventh session in accordance with its resolution 54/33, we would like to make two general observations concerning the benefits that could be gained from this process. We have noticed that the majority of developing countries have not been able to send experts to attend the meetings, owing either to lack of resources or to lack of experience. This is a question that has its effect on the effectiveness of the process.

On the other hand, the priorities of developed countries featured high on the agenda of the Process, and this adversely affected the benefits that developing countries could gain from this Process.

The Secretary-General's report tells us that marine safety constitutes a challenge to the majority of countries, particularly developing countries and that there is an increase in crime affecting marine shipping, including trafficking in drugs, goods and stowaways, as well as an increase in piracy. This requires our vigilance and attention. In this regard, we would like to pay tribute to the efforts of the Ad Hoc Committee established in accordance with Economic and Social Council resolution 1998/14 of 1998, which was entrusted with the preparation of a general agreement to combat transnational crime. We expect that such a convention will contribute to combating this kind of crime and to eliminating it completely.

The preservation and monitoring of the marine environment, economically and environmentally, are basic objectives of UNCLOS. This is an integral part of the implementation of the Convention. Regrettably, however, present studies indicate that despite an increase in fishery products, future demand for fish cannot be met. This is due to the lack of good management of sea and ocean resources. We noticed that the present legal system has not been able to protect fish resources against over-exploitation. This is due to over-fishing of living maritime resources and to lack of political will by some States to respect certain rules concerning fisheries, rules pertaining to quantitative limits as well as to means of fishing — for example, the resort by some countries to drift-net fishing, which causes harm to fish resources and to the marine environment. We call upon those States to respect the Agreement on fish stocks of 1995, as well as the Code of Conduct for Responsible Fisheries. We call upon them to enact special rules concerning the sale of sea products in a responsible manner complementing both the Code and the Agreement.

As for the deterioration of the marine environment, the report of the Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) indicates that there have been efforts at the national level and some successes at the regional level, particularly those aimed at decreasing the discharge of oil by ships. However, the situation in the oceans is deteriorating owing to the dumping of radioactive materials, hazardous materials, poisonous materials, sewage materials and oil. We therefore confirm that it is necessary to enhance international cooperation in order to avoid pollution of the environment.

We call for the enforcement of internationally recognized criteria for protecting the marine environment. We refer here to the report on environment prospects for 2000 issued by the United Nations Environment Programme (UNEP) in September 1999, which indicates that the coastal marine environment is affected concretely by natural changes, destruction, over-fishing and pollution. The report indicates that the ocean bed is no longer immune from pollution. In particular there is evidence of environmental deterioration in some areas, particularly a decline in some marine species.

Here we confirm the importance of abiding by article 235 of the United Nations Convention on the Law of the Sea, concerning international cooperation on matters of accountability, responsibility, the assessment of and compensation for damages and the settlement of disputes. In this regard, Egypt has adopted important measures to protect and preserve the marine environment, such as enacting rules and special laws on the environment and declaring some marine areas as natural reserves.

Egypt has given the question of underwater cultural heritage special attention, and we support the efforts of the United Nations Educational and Cultural Organization (UNESCO) to prepare an international agreement on the subject as soon as possible in order to protect this heritage. However, we have to take into consideration the rights of coastal States, particularly their jurisdiction over the underwater cultural heritage in the exclusive economic zones or in the continental shelf, in line with the United Nations Convention on the Law of the Sea. We hope that the Director-General of UNESCO will be able to submit a draft on the matter to the General Conference of UNESCO, particularly in light of technological development, which has helped in exploring for, lifting and salvaging historic debris even from very deep waters.

Mr. Manele (Solomon Islands): Solomon Islands fully aligns itself with the statement made by the Permanent Representative of Tonga, on behalf of the countries of the Pacific Islands Forum. We also endorse the statement by the delegation of Samoa on behalf of the Alliance of Small Island States (AOSIS).

The indispensability of the oceans and seas to the economic development and sustenance of our countries, especially the small island developing States in our region, cannot be underestimated. For Solomon Islands the fisheries sector, in particular the tuna industry, accounts for 25 per cent of our foreign exchange earnings. It is the single largest employer. Coastal fisheries on the other hand, while mainly providing subsistence fishing, are critical to the well-being of our rural population. Solomon Islands is among the countries with the highest per capita consumption of fish in the world. It is therefore no surprise that my delegation attaches great importance to oceans and seas issues and continues to be a sponsor of draft resolutions on this item.

The problems of over exploitation of living marine resources, excess fishing capacity, by-catch and discards, and illegal, unregulated and unreported fishing remain major concerns for my country. The prevalence of illegal, unregulated, and unreported fishing seriously undermines the economic base, food security and, above all, the human security of coastal States like Solomon Islands. The international community, especially the Food and Agriculture Organization of the United Nations (FAO), must redouble its efforts to address this problem. Similar efforts are required to implement internationally agreed plans of action to confront marine pollution and the impact of climate change and changing weather patterns, such as El Niño on the marine ecosystem. The damaging effects of the El Niño phenomena, including coral bleaching, are particularly alarming. Coral bleaching directly threatens the survival of both the coastal marine ecosystem and the communities that depend on reef services.

Recognizing the need to promote sustainable exploitation of our fisheries resources and the proper management of the marine environment, Solomon Islands has revised its laws relating to fisheries, and enacted a Fisheries Act in 1998. This Act is consistent with the United Nations Convention on the Law of the Sea (UNCLOS) and the United Nations fish stocks Agreement, both of which we have ratified.

In accordance with the provisions of the Act, and with technical assistance from the Forum Fisheries Agency, we have developed a tuna fishery management and development plan. The plan, one of the first of its kind in our region, provides clear policy guidelines and a transparent decision-making process for tuna fisheries. It also offers a framework for the sustainable use of our tuna resources, while maximizing the economic and social benefits to our people.

In addition, the Act includes provisions for the installation of the Vessel Monitoring System (VMS), which enables our authorities to monitor the position of all distant water fishing Nation vessels fishing in our exclusive economic zone. Installation of the VMS is not a licence to fish. It is a cost-effective and efficient means of controlling fishing activities, and Solomon Islands views its use as a relatively minor imposition on distant water fishing nation operators. Provided fishing vessels are doing the right thing, there should be no difficulty with this requirement. To date, several vessels have been fitted with the VMS. Solomon Islands appreciates the cooperation of a number of distant water fishing nations in this exercise and calls on others to follow suit. We further encourage other countries in our region to legalize the use of the VMS.

In collaboration with The Nature Conservancy, Solomon Islands, through our Ministry of Environment and a community group, has established a marine reserve project called the Arnavon Islands Marine Reserve. The Arnavon Islands is one of the most important rookeries in the western Pacific for the endangered hawksbill turtle. The area's marine environment also supports commercially valuable species, including fish, oysters, beche-demer and giant clams. The project is community-based, involving three villages in the area. It consists of a management plan that provides viable alternative marine enterprises. This is the country's first cooperatively managed marine conservation area. If successful, it will demonstrate the economic and ecological benefits of a community-based approach to development and resource conservation.

At the regional level, Solomon Islands was actively involved in the Multilateral high-level Conference and negotiations leading to the adoption, on 4 September this year, of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, which was concluded pursuant to the principles outlined in the United Nations fish stocks Agreement. Solomon Islands wishes to acknowledge the able Chairmanship of Ambassador Satya Nandan in concluding the negotiations. We look forward to a concerted regional effort to implement the Convention, as well as to its increasing international acceptance.

Solomon Islands also welcomes the establishment of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which held its first consultations here in New York last May. We are of the view that the United Nations remains the appropriate body to host and facilitate such an attempt to achieve an integrated approach on oceans and law of the sea matters. The continued participation of experts from small islands developing States at future consultations is important.

The issue of the establishment of the outer limits of a State's continental shelf beyond 200 nautical miles within the 10-year period of entry into force of the United Nations Convention on the Law of the Sea for State parties is a pressing issue for Solomon Islands, which ratified the Convention in 1997. The practical and technical obstacles that developing countries, in particular small islands developing States and the least developed countries, face in such a mammoth task are very obvious. As highlighted during the Tenth Meeting of the States Parties, the support and cooperation of the international community are vital. In this regard, my delegation welcomes Norway's announcement of its initial contribution to the proposed voluntary trust fund for the above activity.

Finally, like others who spoke earlier, Solomon Islands welcomes the adoption of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, the mining code, by the International Seabed Authority at its resumed sixth session. This instrument enables the Authority to proceed to issue contracts to the registered pioneer investors whose work plans were approved by the Council of the Authority in 1997. Solomon Islands also notes with keen interest the continued work of the United Nations Educational, Scientific and Cultural Organization towards a draft convention for the protection of the underwater cultural heritage. We hope that the ongoing negotiations on this draft convention are in conformity with the relevant provisions of the United Nations Convention on the Law of the Sea to ensure wider and stronger international support when it is adopted and implemented.

Mr. Leslie (Belize): This delegation wishes to express its gratitude to the Permanent Representative of Jamaica for her statement on behalf of the members of the Caribbean Community. We concur with that statement. My delegation also wishes to be associated with the statement to be issued by the Permanent Representative of Samoa on behalf of the Alliance of Small Island States.

One year has passed since we last debated the matters being discussed today. Since then we have taken what might, in due course, be seen as a quantum leap. Two eminent islanders have presided over that leap, Ambassador Tuiloma Neroni Slade of Samoa and Mr. Alan Simcock of the United Kingdom of Great Britain and Northern Ireland. We thank these sons of two sets of islands. A third islander whom I take pleasure in complimenting is Mr. Donigi of Papua New Guinea. As President of the Tenth Meeting of States Parties to the United Nations Convention on the Law of the Sea, Mr. Donigi has also been ably presiding over a process that is seeing considerable development and maturation.

An aspect of that process is the significant strides being made by the Commission on the Limits of the Continental Shelf and the International Seabed Authority. Their labours give much cause for satisfaction. This is well complemented by the rich productions of the International Tribunal for the Law of the Sea, which in a short time has developed substantial jurisprudence.

The quantum leap has been the first meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which has given us the somewhat promising new acronym, UNICPOLOS. In a single bold step, the Consultative Process has reformed the dynamic of this vitally important annual debate. At the same time, it is clear that now there will be greater and wholesome concentration of our minds and our energies on the vast array of matters concerning the oceans and law of the sea. My delegation is convinced that we will now have much better focus and sharper vision.

So convinced is the delegation of Belize of the importance of the Informal Consultative Process that these remarks are largely limited to the two main issues on which the Process focused. This may well become somewhat of a trend in the annual debate, since normally the possible subjects for discussion are so numerous as to be potentially unmanageable.

First, I must say how impressed my delegation has been by the UNICPOLOS discussion of responsible fisheries and the phenomenon of illegal, unreported and unregulated fishing — IUU fishing. The report of the Informal Consultation Process provides a wealth of

vital information about these matters. Before discussing a few aspects of it, let me state that my delegation still prefers to describe this phenomenon as "fishing" and not "fisheries", which has certain connotations that do not seem to be apparent in the phenomenon under discussion.

The report briefly outlines the discussion of the useful experience of other States. In that connection, we were impressed by such local practices as Iceland's Committee on Good Treatment of Living Marine Resources. Perhaps such committees of stakeholders and other participants, including fishing fleets and maritime administrations, could be established on a regional or subregional basis — for example, in the area of the Association of Caribbean States, of which Belize is a member.

The UNICPOLOS report also contains suggestions for a number of paths that can be followed by countries such as mine and its neighbours. These include common or joint systems of information, monitoring, surveillance and enforcement within and between various communities and jurisdictions.

I must also commend the utility of another report of the Secretary-General — his report on large-scale pelagic drift-net fishing, unauthorized fishing, fisheries by-catch and discards, and other matters. That report is a useful compendium of national, subregional and regional practices and developments. This year its survey of legislation, policy instruments and actions is an excellent counterpart to the UNICPOLOS documents.

These processes have led my authorities to consider more closely the possible ratification of the fish stocks Agreement, of which it is a signatory. It is seeking advice on this matter, as well as on the related question of the possibility of adherence to the Food and Agriculture Organization of the United Nations Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.

In this connection, the delegation of Belize wishes to note its views that the ongoing discussion on the responsibilities of the flag State is a matter in which some material particulars differ from what has been called "providing a definition of the genuine link under article 91 of the United Nations Convention on the Law of the Sea". Apart from the fact that article 91 refers to a genuine link, and not to a sole and all-encompassing concept, flag State responsibilities arguably could encompass elements that might comprise less, or even more, than a genuine link, which could ultimately not be seen as a central issue.

Another key issue that was closely examined by UNICPOLOS was the economic and social impact of marine pollution and degradation. There is much ignorance or lack of caring about these matters in developing countries and even in developed countries. I am uncertain about the degree of sensitization of many populaces or even industries about the impact of land use and riverine use on drinking water and coastal marine resources. Recently these matters were brought home in a rather dramatic fashion in Belize's central southern coastal and riverine areas.

Furthermore, in countries such as mine we are at the dawn of realization of the existence of the debate about the possible impact of vessel source pollution on the marine environment. That realization is dawning just as we are beginning to see a substantial increase in visits by cruise vessels.

A similar issue is the potential negative impact on the marine environment of some forms of mariculture.

It is clear that in our various subregions there is a need for the establishment of a popular sensitization process, for the creation of a clearinghouse mechanism and for the expansion and improvement of information systems. This leads me to recall that, as always, we cannot fail to advert to the massive need for capacity-building and for obtaining training and technical and financial assistance to develop necessary expertise and infrastructures. In that connection, the delegation of Belize sincerely commends the initiative of the United Kingdom for proposing and the Meeting of States Parties to the Convention for recommending a broad-based and multifaceted trust fund for developing countries that are litigants before the International Tribunal for the Law of the Sea. The matter is before the General Assembly today.

We also commend other matters before the Assembly today: the proposed trust fund initiatives related to participation in meetings of UNICPOLOS and of the Commission on the Limits of the Continental Shelf and for States to meet their obligations under article 76 of the Convention on the Law of the Sea. We would also urge the exploration of modalities to ensure enhanced participation at the meetings of the International Seabed Authority.

Mr. Cappagli (Argentina) (*spoke in Spanish*): The United Nations Convention on the Law of the Sea was adopted in this very building on 30 April 1982. The Convention was opened for signature at the end of that year, and entered into force in the next decade.

The seas and oceans cover most of the earth's surface and — among many other things — provide 80 per cent of the planet's oxygen and are a vital source of food and resources. The universal legal regime governing them is therefore a fundamental constitutional pillar, which is the result of many years of dedicated work, robust negotiations and delicate compromises. Consequently, full respect for the Convention should guide all activities related to the seas and oceans.

Argentina has signed and ratified the Convention on the Law of the Sea and reiterates its firm commitment to that instrument, which is of ever-increasing importance. We therefore believe that its implementation by States and international organizations should be strictly guided by its norms.

The General Assembly considers the report of the Secretary-General on this matter annually. This year we have also benefited from the first meeting of the Informal Consultative Process on Oceans and the Law of the Sea, which is an interesting and innovative mechanism. Our country took part in the preparations for the first meeting of this experimental mechanism, and hopes to be able to continue to contribute to perfecting it. We believe that this Process should guarantee the full participation of experts from every State, and in particular those of developing countries. We also believe that both the issues under consideration and their results should reflect a consensus that takes into account all points of view.

We congratulate the International Seabed Authority and its member States on the adoption of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, a mining code whose adoption makes it possible to begin issuing contracts to the registered pioneer investors. We would like to point out that those investors will be subject to the provisions of the Convention, the Agreement on Part XI and future norms and regulations established by the Authority in conformity with the Convention and the Agreement. Those provisions will include rules for preserving the environment necessary to guarantee the appropriate development of those activities.

Argentina likewise supports the negotiating process being undertaken within the United Nations Educational, Scientific and Cultural Organization on a convention on the underwater cultural heritage. We believe that that process should be concluded within the framework of that body, with respect for international law, as codified in the United Nations Convention on the Law of the Sea.

My country would also like to refer to the maritime transport of radioactive wastes and mixed oxide fuel. We share the concern about their transportation because of the intrinsic danger posed by such cargoes to the health of the inhabitants, the environment and the marine ecosystems of our region. Although these cargoes seem to be in line with international standards on the transport of radioactive materials, and even bearing in mind that Argentina has never questioned the principle of freedom of navigation, we must point out — given the very serious consequences of an accident involving such materials — that this is an extraordinarily delicate type of shipment. It will therefore be necessary to increase the contacts between the Governments involved in order to take all appropriate precautionary measures.

Once again this year we have seen how the law of the sea and ocean issues have captured the interest of the General Assembly. We are pleased to see such important issues receive the attention they so richly deserve. They are not only at the top of the agendas of many countries; they are also vital to the international community. Argentina will continue to support their development.

In closing, we would like to express our deep appreciation for the efforts made by the coordinators of the two draft resolutions — Ms. Alison Drayton of Guyana and Ms. Victoria Hallum of New Zealand — as well as by Mr. Colin Mciff of the United States of America.

Mr. Slade (Samoa): I have the honour to speak on behalf of the 37 member countries of the Alliance of Small Island States that are Members of the United Nations.

First, may I thank all concerned for the quality of the Secretary-General's annual report on the oceans and law of the sea. We appreciate in particular the detailed nature and comprehensiveness of the report and the efforts to make it as current as possible. It seems to us, though, that the annual report could well

benefit from a more analytical approach to some of the issues, perhaps with an assessment of how some of the persistent problems could more effectively be addressed. The discussions at the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea and the issues and viewpoints expressed could no doubt be useful in that respect. We look forward to the possibility of such an approach in the year ahead.

The ocean exerts vital influence on all islands. We are ocean-dwellers; it is our natural environment. We take seriously the fact that our communities are acknowledged custodians of large areas of the world's oceans and seas. Islands have a high share of global biodiversity, which is now increasingly under pressure, and our countries are at the forefront of the struggle against climate change. These factors point to a complicated web of local and global issues, and to the obvious need to take an integrated approach in dealing with them. They explain why island States are concerned, in the context of sustainable development, to promote such an approach in the conservation and management of special areas such as the Caribbean Sea. They are also the same factors that underline the exposure and predicament of island communities, and the urgent need for the international community as a whole to help with more specific measures for the effective implementation of the Barbados Programme of Action for the Sustainable Development of Small Island Developing States.

The United Nations Convention on the Law of the Sea is now nearly universal in its acceptance and recognition by the international community. It sets the legal order and provides the framework within which all activities relating to the oceans and to the seas must be considered and carried out. The Convention is both comprehensive and integrated, and for the foreseeable future we would expect that it will continue to provide a sound and balanced basis for national, regional and global efforts. For the Convention to be fully effective, however, we would need to ensure that it is implemented uniformly and in a manner that preserves its integrity and character.

With States and organizations now striving to implement the Convention and to use it as a framework for a variety of economic, scientific and technical activities, it is essential that there be the fullest coordination and integration at all levels. The agreements and the declared objectives of Agenda 21, its chapter 17 in particular, provide the essential necessary tools for implementation. As the Under-Secretary-General for Economic and Social Affairs, Mr. Nitin Desai, remarked at the opening of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, there needs to be a connection between the legal dimension of rights and obligations set under the Convention and the substantive programmatic dimension with regard to sustainable development provided for in Agenda 21.

Some of these issues were addressed by the Commission on Sustainable Development at its important seventh session, out of which we had the recommendation, accepted by the General Assembly, for a more integrated approach to all legal, economic, social and environmental aspects of oceans and seas, both at the intergovernmental level and at the inter-agency level. Let me say that our own group agrees that we need to provide for adequate oversight and coordination of the myriad activities relating to the oceans and seas. Without proper coordination and an integrated approach, there is risk of fragmentation and possibly contradictory activities and results.

The AOSIS countries welcomed the inauguration of the Informal Consultative Process earlier in the year. We see it as a necessary and positive step forward in addressing in some detail some of the current and emerging issues of concern. AOSIS reiterates its full support for the Consultative Process. We take the opportunity to offer our congratulations and warmest appreciation to all the many persons concerned with the preparations and the holding of this new, important series of consultations, to my Co-chairperson, Mr. Alan Simcock, and to other colleagues at the division for Ocean Affairs and Law of the Sea in particular, as well as to Second-Committee colleagues led by New Zealand, Guyana and the United States, who coordinated the draft resolutions now before the Assembly.

We thought that the choice of illegal, unreported and unregulated fishing as one of the two major themes for the Informal Consultative Process was appropriate. Overexploitation of marine resources and the consequent degradation of the marine environment are obviously matters of serious concern for all countries. That they continue to occur, in some cases with alarming severity of consequences, represents, in a sense, the inability of States to properly implement agreed and desired tasks and goals. Tackling the

problem of illegal, unreported and unregulated fishing is directly linked to the sustainable future of coastal island countries such as ours, to food security and to the general improvement of our economies. This remains an urgent matter, and we readily join the call in draft resolution A/55/L.10, urging States to do their utmost through efforts begun within the Food and Agriculture Organization of the United Nations (FAO) to agree on a comprehensive international plan of action on illegal, unreported and unregulated fishing.

The Secretary-General's report (A/54/2000) to the Millennium Assembly identified marine and coastal areas as among the most essential to human life, and also as the most threatened by pollution. Healthy marine and coastal systems would be the absolute prerequisite for the sustainability of island States. We place the highest priority on this issue, and we appreciated the opportunity made available during the Informal Consultative Process to have the problem of pollution from land-based sources discussed. It is the view of our group that much more is required of the international community to address the problem and to properly implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. The AOSIS countries will follow with attention and with interest efforts now being made for the first intergovernmental review of the Global Programme of Action.

One of the most important features of the Informal Consultative Process was the discussion focused on the capacity-building needs of developing countries, especially in dealing with issues of ocean management. The lack of human resources, funds and technology are real obstacles for many developing countries. The members of AOSIS want, in particular, to thank the many delegations that called for special capacity-building initiatives for the benefit of small island States, owing to their vulnerability to the adverse effects of climate change and their exposure to natural disasters. We note with appreciation that the matter of capacity-building needs, especially for least developed countries, for small island States and for low-lying countries, is given emphasis in the draft resolutions now before the Assembly.

We very much welcome the proposed establishment of trust funds for the International Tribunal for the Law of the Sea, for the facilitation of submissions to the Commission on the Limits of the Continental Shelf and to assist developing-country participation in the consultative process. Our own countries face impediments and real difficulties in participating in international forums dealing with ocean issues, and the proposals for assistance in this regard are deeply appreciated. I would need to say, though, on behalf of our group, that the provision of funding assistance to only some of the law of the sea bodies and not for the benefit of others – such as assistance to facilitate participation in the work of the International Seabed Authority in Kingston, Jamaica – is likely to raise a problem of uneven attention. We would propose that consideration might be given to this matter as well.

We have noted with satisfaction the recent ratifications of the Agreement for the implementation of the provisions of United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, including that of the Government of Barbados. We believe that the early entry into force of that important Agreement would give major momentum towards responsible fisheries and the goal of sustainable development, and we would encourage more States to follow the example of those that have ratified the Agreement.

I should like to say that we had expected the Convention on the Law of the Sea and Agreement on fish stocks to be among the instruments recommended for priority signature and ratification during the Millennium Summit.

I should also like to take this opportunity to acknowledge the endeavours of all States involved, including the AOSIS Pacific island States, and the significance of the adoption, in Honolulu last month, of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific ocean.

The livelihood and economies of small island communities are especially dependent on healthy and productive fisheries, and this new Convention represents an important development in the maintenance of sustainable fisheries resources. We note that the Convention incorporates and reflects the principles of the United Nations Agreement on fish stocks.

In line with our role as custodians of vast areas of ocean space, the AOSIS countries intend to continue to maintain their close engagement and participation in all matters relating to the oceans and seas.

Mr. Naidu (Fiji): Fiji fully aligns itself with the group statements delivered earlier by Ambassador Tua Tupou of Tonga on behalf of the South Pacific Group (SOPAC) and by Ambassador Neroni Slade of Samoa on behalf of the Alliance of Small Island States (AOSIS).

My delegation acknowledges with gratitude the annual report by the Secretary-General on oceans and the law of the sea. At the outset, Fiji reaffirms the traditional, economic, social, legal and ecological significance that oceans and seas have in the lives of our people. The Pacific Ocean constitutes the largest span of the world's oceans and living marine resources. Today, this is particularly significant, because it is dependent for its protection, conservation and management largely on small island developing States in the region — States that are isolated, remote and separated by great distances, yet united with a common purpose to manage sustainably their ocean and sea.

Likewise, Fiji, along with its fellow Pacific States, is acutely aware of the importance of ensuring the global management of oceans and seas in an integrated and sustainable manner, as this not only has an impact on the Pacific Ocean, but, indeed, affects our entire ecosystems.

It is for this reason that Fiji has actively pursued and facilitated those tasks that will advance United Nations initiatives in our collective search for solutions, measures and processes with regard to the oceans and seas. Some of these have already been highlighted in the SOPAC statement. In that statement, Fiji recommitted itself to this agenda item and called on all Member States to seize every opportunity to do likewise and thereby give life to the legal framework that has been set out by the United Nations system in compliance with the Charter.

In this regard, the Pacific region is well advanced in implementing United Nations agreements and resolutions, including those touching on fisheries. A tuna commission was recently established, pursuant to the relevant Convention for the conservation and management of tuna resources in the central and western Pacific.

The Forum Fisheries Agency (FFA), in establishing minimum terms for and conditions of access for fishing in the exclusive economic zones of member States, is implementing United Nations resolutions promoting responsible fishing practices. This will address the growing concerns over illegal, unregulated and unauthorized fishing.

Like its Pacific neighbours, Fiji has observed its obligations and carried out relevant tasks in this area despite the fragile state of our developing economy. In addition to taking part in the regional initiatives mentioned earlier, Fiji regularly reviews and amends its legislation to align it with FFA conventions, thus implementing United Nations arrangements.

The support and assistance of developed or industrialized countries have been, and will continue to be, critical in these endeavours. There has been a significant measure of goodwill in ongoing work at the international, interregional and regional levels. Unfortunately, there is a sense that there is a risk that this positive international commitment may give way to national or political considerations.

Now, more than ever, Fiji is of the firm view that ongoing measures, initiatives and processes need to be strengthened and consolidated. We can forge ahead with these goals in this General Assembly session by taking a consensus position. Failing that, we can at least plead for and look forward to future consensus and amicable negotiations.

To this end, my delegation takes seriously the General Assembly's mandate to enhance coordination and cooperation by establishing an open-ended informal consultative process to facilitate the annual review of ocean affairs by the General Assembly.

Fiji joined other members in the first consultative process in May this year and remains hopeful that its outcome, and future consultative processes leading up to the fifty-seventh session of the General Assembly, will leave us all in no doubt about our global capability to manage ocean affairs, including the international legal framework, in a sustainable way, despite the difficulties facing that goodwill.

Fiji is signalling its unwavering commitment to this agenda item by sponsoring draft resolutions A/55/L.10 and A/55/L.11, and pleads for the spirit of consensus to continue to prevail on these issues of great importance to us all.

Finally, I should like to commend delegations for the consensus position reached on the two areas of focus for the second consultative process, which is to be convened in May 2001. These technical and specialist topics demand particular skills, both for

leading and directing the process and for ensuring optimal representation and participation by developing and developed States alike. It is therefore imperative to adopt the draft resolutions, and to select appropriately skilled and eminent people to drive the process towards a meaningful outcome.

Fiji is confident that, throughout the process, the future reports of the Secretary-General will be further enriched by the outcomes of the consultative processes, as was duly mandated by this Assembly.

Miss Ramoutar (Trinidad and Tobago): Trinidad and Tobago fully associates itself with the statements made by Miss Patricia Durrant, the Permanent Representative of Jamaica, on behalf of Caribbean Community (CARICOM) member States, and by Mr. Tuiloma Neroni Slade, the Permanent Representative of Samoa, on behalf of Alliance of Small Island States (AOSIS) member States. We propose, therefore, only to comment briefly on a few areas.

The delegation of Trinidad and Tobago would like to express its appreciation to the Secretary-General for his very comprehensive reports on oceans and the law of the sea and on large-scale pelagic drift-net fishing. We wish to commend, in this regard, the Division for Ocean Affairs and the Law of the Sea for its very valuable contributions and its support to delegations on issues relating to oceans and the law of the sea.

Trinidad and Tobago welcomed the convening earlier this year of the first meeting of the Informal Consultative Process on Oceans and the Law of the Sea. We wish to commend the Co-Chairs of the Informal Consultative Process, Ambassador Slade of Samoa and Mr. Alan Simcock of the United Kingdom, on their very able conduct of the meeting. We believe this was a positive first step towards the goal of effecting greater coordination and cooperation by the international community on issues relating to oceans and the law of the sea.

The General Assembly's endorsement at its nineteenth special session in 1997 of the Commission on Sustainable Development's recommendation that there should be

> "a periodic intergovernmental review by the Commission of all aspects of the marine environment and its related issues, as described in ... Agenda 21, and for which the overall legal framework is provided by the United Nations Convention on the Law of the Sea" (*resolution 5/19-2, para. 36*)

gave impetus to the new approach by the General Assembly. We view the outcome of the Process as useful, since it provided the opportunity for us to benefit from the experience of experts on matters of concern to us as a small island developing State. We look forward to productive discussions next year on the topics we have agreed upon.

Developing countries often lack adequate capacity in many areas, such as marine science and the technology for the exploitation of the resources of the oceans, the conservation and protection of living resources and coastal management and for adequately addressing the growing problem of pollution of the marine environment. It is necessary for us to bear in mind that many small island States and coastal States depend on the marine environment for their very livelihoods. Participation in discussions on such key topics in an international forum can only redound to the benefit of developing countries.

Trinidad and Tobago hopes that future meetings of the Informal Consultative Process will see the participation of a wider cross-section of member States, and that they will derive greater benefit from the discussions and the input of experts and specialized agencies. In this regard, we are pleased that under the draft omnibus resolution to be adopted the General Assembly will request the Secretary-General to establish a voluntary trust fund for the purpose of assisting representatives of developing countries, in particular least developed countries, small island developing States and landlocked developing States, to attend the meetings of the Informal Consultative Process. We hope that this measure will enable developing countries to participate and contribute to the work of the Informal Consultative Process in a more meaningful manner.

The willingness of the international community to establish the other trust funds set out in the draft resolution is indicative of its recognition of the importance of, and the need for, broader participation in developments in all areas of oceans and the law of the sea. These trust funds relate to assistance to States in the settlement of disputes before the Tribunal, participation in the work of the Commission on the

Limits of the Continental Shelf by its members from developing States, and assistance to States in preparing and submitting information with respect to their continental shelves under article 76 and annex II to the Convention. We are grateful to the States that have taken the initiative regarding these trust funds and appreciate the early indications of support for the funds.

We align ourselves with the sentiments expressed by the Permanent Representative of Jamaica on behalf of CARICOM and by the Permanent Representative of Samoa on behalf of AOSIS regarding the need to ensure greater participation by the international community – in particular, developing States – in the work of the International Seabed Authority. We reiterate the significance of the Authority's work and welcome the outcome of its work during this year. We echo the recognition of the need to consider a similar trust fund to enable greater participation by developing States in the sessions of the Authority, which has suffered from quorum problems in recent meetings.

Trinidad and Tobago was re-elected to the Council of the Authority earlier this year and remains committed to contributing in a meaningful way to the ongoing work of the Authority. We congratulate Secretary-General Satya Nandan on his re-election for another term, and to assure him of the continued support of the Trinidad and Tobago delegation.

The achievements of the International Tribunal for the Law of the Sea since its establishment in 1996 are to be commended. It is a positive sign that States are increasingly having recourse to the Tribunal. This is indicative of the willingness of the international community to settle disputes by peaceful means in accordance with international law. Trinidad and Tobago reiterates its support for the Tribunal as it continues to develop its jurisprudence on the law of the sea.

We also believe that the very important work of the Commission on the Limits of the Continental Shelf can best be accomplished by the contributions of all of its members, whom we, the international community, have entrusted with the task before them. We welcome the progress of the work of the Commission this year and look forward to greater participation by all members in the future. This is particularly important in light of the anticipated increase in the workload of the Commission in the near future.

I wish to take this opportunity to highlight once more Trinidad and Tobago's continued objection to the trans-shipment of nuclear waste through the Caribbean Sea. The Honourable Ralph Maraj, Minister for Foreign Affairs of the Republic of Trinidad and Tobago, in his address to the General Assembly on 13 September 2000, lamented the blatant and persistent misuse of the Caribbean Sea as a trans-shipment route for nuclear waste. This continues to be a cause for major concern to our Government and, indeed, many others of the region. We continue to live under the threat of a possible accident, knowing full well that a single accident could have devastating consequences for present and future generations of our Caribbean peoples, who are heavily dependent on the marine environment for their livelihood. Accidents can occur, and we will continue to call for a moratorium on these shipments through the Caribbean Sea.

Trinidad and Tobago remains firmly committed to the principles and purposes of the Convention and is committed to continue to work at the national, regional and international levels towards the attainment of the objectives of the Convention. Since the oceans are key to the very existence of a large part of the world's population, it is incumbent upon us, the international community, to make a concerted effort to ensure compliance with, and full implementation of, the Convention for the greater benefit of all humankind.

Mr. Wilson (Saint Vincent and the Grenadines): The delegation of Saint Vincent and the Grenadines takes pleasure in participating in this important debate and in supporting the draft resolutions relating to this agenda item. This statement is given fully cognizant of the statements made by Her Excellency Miss Patricia Durrant, Permanent Representative of Jamaica, speaking on behalf of the member States of the Caribbean Community, and His Excellency Ambassador Slade, Permanent Representative of Samoa, speaking on behalf of the Alliance of Small Island States. This delegation fully endorses those statements made on its behalf.

First of all, let me say that despite the difficulties inherent in the reality that my country is an island developing State, Saint Vincent and the Grenadines continues to strive to carry out its responsibilities under the United Nations Convention on the Law of the Sea (UNCLOS) and international law in general. The same applies to the responsibilities that fall on my country as a maritime nation.

We are particularly happy about the acknowledgement, in the main draft resolution on oceans and the law of the sea (A/55/L.16), of the development of the institutions authorized by the UNCLOS. Among these are the continued useful discussions and initiatives of the Commission on the Limits of the Continental Shelf and the International Seabed Authority, especially its mining code. We are also pleased to note the steady development of the law of the sea and related subjects, including the interpretation and application of UNCLOS by the International Tribunal for the Law of the Sea.

In addition to these institutions, there will inevitably be the need to develop additional processes. The newest and most promising process is the United Nations Informal Consultative Process on the Law of the Sea (UNICPOLOS), which, we believe, will go very far towards helping us to identify ways and means of reaping some of the numerous potential benefits set forth in UNCLOS.

An additional institutional matter is the recollection in the main draft resolution of the obligation of parties to cases before a court or tribunal, referred to in article 287 of UNCLOS, to ensure prompt compliance with the decisions rendered by such court or tribunal. This brings to mind similar language elsewhere, notably in the recent Declaration of the Millennium Summit. The obligation that I have just recalled is an expression of the requirement that, for our welfare and for good order, the rule of law must be maintained by all parties to the Convention and all Members of the United Nations. It is therefore of crucial importance that judgement debtors should comply in full with judgements issued against them. In that connection, I recall the judgement given in 1998 by the International Tribunal for the Law of the Sea against the Republic of Guinea, in the Saiga case, brought by Saint Vincent and the Grenadines. Non-compliance by the judgement debtor has been the subject of several communications to Guinea or its representatives by and on behalf of the Government that I represent. It has also been the subject of a letter from my delegation to the Secretary-General. So far, however, the judgement debt remains unsatisfied.

It is the hope of my delegation that the judgement debtor in the Saiga case will now promptly comply.

Ms. Drayton (Guyana): Guyana associates itself with the statement delivered by the delegation of Jamaica on behalf of the member States of the Caribbean Community, as well as the statement made by the delegation of Samoa on behalf of the Alliance of Small Island Developing States. In this regard, and given the hour, I am sure you will be delighted to hear, Sir, that my remarks will be very brief.

Guyana considers that the omnibus text to be adopted this year on oceans and the law of the sea reflects important developments made in ocean affairs. It is a further step in the process begun at the seventh session of the Commission on Sustainable Development, namely an attempt to find a way for our annual debate on oceans and the law of the sea to focus on the practical realities of implementation. We are particularly pleased at the recognition given to the necessity of enhancing support to small-island and low-lying coastal developing States, to build their capacity so that they can effectively utilize their marine resources.

The Informal Consultative Process was, we believe, a very important development in terms of encouraging a more cohesive consideration of issues related to ocean affairs than has previously been possible. We were therefore pleased by the active participation of the various agencies and institutions involved in the management of various aspects of oceans affairs in the Consultative Process. We consider that the promotion of a dialogue between these institutions and between the institutions and Governments to be one of the most positive achievements of the Process. I would also like to take this opportunity to congratulate Ambassador Neroni Slade of Samoa and Mr. Alan Simcock of the United Kingdom for one of the most professionally executed chairmanships it has been my privilege to witness.

Guyana is not singular among Governments in finding it an increasing challenge to keep up with the many initiatives promoted each year in the course of our deliberations on various items. As a small country, we find it a formidable task to implement the commitments we undertake, to prioritize among them so as to ensure the most efficient use of our limited resources, both technical and financial, and, most of all, to keep current with those commitments so that we do not inadvertently overlook key responsibilities or obligations.

We therefore welcome the comprehensive nature of the omnibus draft resolution before us, which neatly

encompasses both legal commitments, as well as recommendations that will allow us to pursue our sustainable development goals. Guyana is of the view that the reflection of sustainable development concerns under the umbrella of the United Nations Convention on the Law of the Sea (UNCLOS) helps to breathe life into UNCLOS, as originally envisaged.

The commitments reflected in chapter 17 of Agenda 21 were, of course, negotiated within the context of the relevant provisions of UNCLOS. The eight years since the adoption of Agenda 21, however, have eloquently demonstrated that, while an integrated approach is easy to recommend in principle, its implementation can be frustratingly elusive, particularly in light of the many institutional partners involved.

As we are all aware, negotiations on the draft text were not easy. Guyana would like to commend all the delegations that participated for their demonstrated commitment to achieving a consensus text. This spirit of flexibility and compromise was particularly evidenced by developing countries, which negotiated constructively despite their very valid concerns at being inadequately represented during the Consultative Process.

We hope that future meetings of the Consultative Process will benefit from the full range of views on issues of concern to delegations. Topics of particular interest to delegations have been identified in the omnibus text; this should enable early preparation for the next meeting by both the Co-Chairpersons, as well as delegations. We particularly urge contributions to the trust fund, so as to enable the next meeting to be better informed of the views of experts from developing countries.

In our efforts at implementation and coordination, it is important to bear in mind one of the key underlying principles of the Convention: the oceans and their resources beyond the limits of national jurisdiction are the common heritage of mankind. Guyana remains committed to the continued implementation of the Convention to ensure the effective management and sustainable development of the oceans and seas. We join others in urging those States that have not yet become parties to the Convention and the Agreement implementing Part XI of the Convention to do so in the near future.

Mr. Aswar (Indonesia): At the outset, my delegation would like to express its appreciation to the Secretary-General for the comprehensive and informative reports on the item before us. They outline the extensive activities that have been undertaken and constitute a significant chronicle of the progress made during the past year. Allow me to also convey our gratitude for the untiring efforts exerted by the Division for Ocean Affairs and the Law of the Sea as well as other related institutions provided for by the United Nations Convention on the Law of the Sea. These endeavours have provided the necessary impetus for the effective implementation of the Convention, namely uniformity and consistency.

During the current year, three more States have ratified the Convention, bringing the number of States parties to 135. It is our earnest hope that this positive trend will increase and that the Convention will thus achieve its goal of universal participation. We urge the Member States that have not done so to consider ratifying the Convention. This historic document has created an essential legal framework for the peaceful use of the world's oceans and seas.

We are pleased to note that since the establishment of the institutions envisaged by the Convention, including the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf, these have recorded considerable progress. Indonesia will continue its active participation in the deliberations of these institutions and lends its support to strengthening their effectiveness.

It is a matter of satisfaction that the International Seabed Authority held its sixth session on from 3 to 14 July 2000 and considered several important issues, including the budget for the financial period 2000-2001, the rules of procedure of the Legal and Technical Commission, the adoption and provisional application of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, and the need to reach agreement on the number and distribution of seats on the Legal and Technical Commission. We hope that the International Seabed Authority will record further progress on the issue of signing contracts with pioneer investors.

It was indeed an auspicious occasion when the Tribunal's new premises were officially opened on

3 July 2000 in the presence of the Secretary-General and other high-ranking dignitaries. In the four years since its establishment, the Tribunal, which is composed of persons of recognized competence in the field of the law of the sea, has already handed down four decisions, thereby encouraging Member States to resolve their disputes peacefully and without undue delay.

We also acknowledge with appreciation the smooth implementation of the Agreement on Cooperation and Relationship between the United Nations and the Tribunal, as well as the steps taken to extend the jurisdiction of the United Nations Administrative Tribunal to the staff and members of the Registry of the Tribunal. We also commend the efforts of the Division for Ocean Affairs and the Law of the Sea for promptly placing the records of the Tribunal and the verbatim transcripts of the hearings of the cases before it on the Web site of the United Nations.

As to the Commission on the Limits of the Continental Shelf, we are pleased to note its efforts in focusing on training to assist coastal States, especially developing nations, in preparing their submissions to the Commission. Equally important are its discussions concerning the methodology for dealing with these submissions at the subcommission level.

We welcome the growing awareness of the oceans and their resources. The conservation and sustainable use of living marine resources are of critical importance to both present and future generations. Similarly, it is beyond doubt that an enhanced sustainable yield from the oceans is central to ensuring prosperity for peoples that depend on resources from the sea for their livelihood. In order to develop a comprehensive framework for the effective management of their ecosystems, developing countries have to be enabled to become equal partners through cooperation, partnership and development. In this way, developing countries will be able to participate effectively in the acquisition of an equitable share of the resources of the oceans.

The preservation of the marine environment has been one of Indonesia's national priorities since the early 1980s. Indonesia's efforts to protect the marine environment have been further strengthened by the ratification of a number of international conventions. It is also a party to various regional treaties to combat oil pollution. In support of its ratification of the conventions, the Indonesian Government has promulgated legal instruments ranging from basic environmental laws to fisheries as well as laws concerning the exclusive economic zone and the conservation of living resources. While recognizing the complexity of the issues at hand and the need for better coordination and management of the marine environment, it has already initiated a range of programmes that are indicative of its commitment to the sustainable use of coastal resources.

The General Assembly, at its fifty-fourth session, decided, consistent with the legal framework provided by the United Nations Convention on the Law of the Sea and the goals of chapter 17 of Agenda 21, to establish an open-ended informal consultative process to enhance coordination and cooperation on issues relating to oceans and seas at the intergovernmental and inter-agency levels.

In this regard, my delegation has noted with interest the report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its first meeting, held earlier this year. The fact that consensus was achieved on a number of issues to be placed before the General Assembly for further consideration was a good beginning for future deliberations. We believe that the process has an important role to play in identifying issues of concern and in according priority to the actions that need to be taken at the global, regional and national levels. Furthermore, the ongoing discussions should not pre-empt other forms of deliberation. Rather, these consultations should be aimed towards promoting cooperation and coordination among institutions within the United Nations system as well as providing adequate coordination with the Meeting of the States Parties.

The draft convention for the protection of the underwater cultural heritage is another achievement in the creation of a legal framework in that area aimed at preserving that heritage for the benefit of humankind. We commend the United Nations Educational, Scientific and Cultural Organization (UNESCO) for its tireless endeavours and remain confident that governmental experts will conclude their work on the draft at the earliest possible time. The new instrument should complement the relevant provisions of the Convention, in particular those concerning the rights of sovereign States and the jurisdiction of coastal States.

Crimes at sea, especially piracy and armed robbery, pose a threat to the security of coastal States, the safety of navigation and seafarers. In this regard, cooperation at all levels should be intensified. The International Maritime Organization (IMO) also has an important role to play in preventing and combating crimes.

Finally, in my delegation's view, the Convention's standing as one of the historic landmarks in the consolidation of law and order in the area of the oceans and seas is in keeping with the loftiest ideals of justice and respect for the interests and rights of every State and its peoples. It is therefore our collective obligation to ensure that in the years to come future generations benefit greatly from the living and non-living resources of our oceans and seas, within the parameters of the legal framework established by the Convention.

Mr. Lippwe (Micronesia): At the outset, I would like, on behalf of the Federated States of Micronesia delegation, to associate ourselves with the statements made earlier by the representative of Samoa on behalf of the Alliance of Small Island States and by the representative of Tonga on behalf of the Pacific Island Forum countries at the United Nations.

I thank Mr. Hoikeri for convening this meeting on such an important and vital subject. My delegation is very grateful for the diligent work of the Secretary-General and welcomes his useful report on this agenda item. We acknowledge also the very important work carried out by the Division for Ocean Affairs and the Law of the Sea.

Since we last discussed this agenda item at the fifty-fourth session of the General Assembly, we are pleased to note significant progress in this area. In particular, the successful convening of the United Nations Open-ended Informal Consultative Process on Ocean and the Law of the Sea at its first meeting earlier this year is a significant achievement and a step in the right direction for the United Nations in its efforts to review developments in the area of ocean affairs. The States Members of this United Nations must continue to lend their support to this process if we are to achieve true and meaningful discussions on an important common heritage of mankind — the oceans.

My delegation also welcomes the signing of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, made pursuant to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Implementation of this new Convention ensures the rational conservation, management and, thus, sustainability of migratory fish stocks in the Convention Area.

My delegation commends the cooperation and goodwill shown by our fellow Pacific Island nations in the negotiations of the Convention. Most notable is the participation of small island countries like my own. For them, participation constitutes a great compromise of exclusive rights previously gained through the exclusive-economic-zone regime of the United Nations Convention on the Law of the Sea (UNCLOS). Also, for many if not all of the small island parties, the resource over which they are sharing exclusive rights with others is the single most economically significant one and the only resource over which our economic future can be assured. In cooperating, and even sacrificing so that our fellow men may benefit, we hope that others will also cooperate with us by paying greater attention to the many plights of small island countries.

My delegation knows too well the significance that the ocean plays in the lives of our own people. Our history began in the days when man explored seas in rafts and canoes. We who remain continue to rely heavily on the bounties of the ocean and are proud guardians of this heritage for our common humanity.

Despite all the efforts undertaken by the international community, the state of the oceans remains precarious. Indiscriminate destruction of ocean resources by large-scale pelagic drift-net fishing, while generally on the decline, remains a threat to marine living resources. This activity is clearly in contravention of the terms of the moratorium agreed to by the international community in General Assembly resolution 46/215. We call upon States that have not done so to take immediate and effective measures to ban illegal drift-net fishing.

The incidence of unauthorized fishing in zones of national jurisdiction and on the high seas, and of illegal, unreported and unregulated fishing continue to be of concern to my delegation. The vast exclusive economic zone under my country's jurisdiction, rich in

fish resources and one of the principle resources for the economic development of my country, requires careful management and monitoring to address illegal, unregulated and unreported fishing. My country, like any other small island developing State, simply cannot act alone, but requires the cooperation of other States to take greater enforcement measures to ensure that their vessels do not fish in areas of national jurisdiction. To maximize effectiveness, States must ensure that, even when their vessels are authorized to fish in areas of national jurisdiction, they comply with the terms of that authorization. We support the draft resolution now before this Assembly on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments, and we urge all delegations to actively support it.

Having made this plea, my delegation would like to note its concern over the issue of fisheries by-catch and discards. While by-catch and discards are understandably the result of untargeted or incidental catches — call them collateral victims of fishing methods, if you will — the issue is nevertheless one that deserves a greater focus of attention. Some of the fish species that usually constitute by-catches and discards — especially the smaller species, which are easily catchable — are important to the daily diet of island people. What may be discarded by some as unsuitable for commercial mass consumption are actually important to the subsistence livelihood of island people. Therefore, we should not squander this God-given food resource just because it ends up in the wrong net. Instead, the international community should strive more strongly to minimize the incidence of collateral catches in fisheries in order to conserve resources and ensure biodiversity.

We are encouraged by the heightened international attention to the needs of small island developing States in their capacity-building process. Key to increasing the effectiveness of the United Nations and the international community in dealing comprehensively with ocean issues is strengthening the capacities of these countries who together control a vast portion of the Earth's ocean. We note the call made in the draft resolution contained in document A/55/L.10 for the establishment of trust funds to provide training for technical and administrative staff, particularly of the least developed countries and small island States, as well as to facilitate their participation at the meetings of the Consultative Process.

We suggest that assistance not be limited to attendance at the Consultative Process, but should include other law-of-the-sea bodies, such as the International Seabed Authority, where meetings continue to be sparsely attended by small island States, due to financial difficulties. As stewards and stakeholders of these resources, our participation in these processes is a critical element if we are to effectively combat the many daunting issues affecting our world's ocean.

My delegation also welcomes the use of the trust funds to assist small island States in their submissions to the Commission on the Limits of the Continental Shelf. As a small island State with meagre resources and limited technical know-how, my country requires the assistance of the international community, both in terms of financial and technical support, to meet its obligations under UNCLOS. We therefore call for the generous support of the developed countries and donor community to contribute financially or otherwise to the trust funds.

Last but not least, noting the significant trend towards universal participation and adherence to the legal regime established by the Convention, we reiterate the call by many other delegations for those States that have not ratified it to do so. As the United Nations continues to seek effective means to preserve an important heritage of mankind, our ability to preserve it successfully depends to a large extent on the ratification and implementation of the Convention and its associated instruments.

Mr. Tarabrin (Russian Federation) (*spoke in Russian*): Russia has consistently called for a higher profile for the role of the United Nations Convention on the Law of the Sea as an important universal instrument of international law, established to develop cooperation between States for the sustainable use and exploration of the oceans and their resources.

We welcome the growing number of parties to the Convention and the fact that its institutions — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — are becoming more and more active. Their activities strengthen the effective and consistent application of the standards of international marine law, and it is important that we

should provide for making the broadest possible use of these institutions.

We also welcome the fact that voluntary funds are being set up partly in order to strengthen the work of States, particularly developing States, and to make it easier for them to enjoy their rights and fulfil their obligations in the work of the Commission on the Limits of the Continental Shelf. We share the concern of the Secretary-General that domestic law is often at odds with the standards enshrined in the Convention. We are also concerned about the activities of certain international entities targeted at changing the legal regime established by the Convention, particularly the principle of an exclusive economic zone.

The Russian Federation calls for the preservation of the integrity of the high seas regime established under the Convention. It is our view that any attempt to tackle law of the sea problems separately from that regime will have an adverse effect on our universal regime to regulate the oceans. We are also against any significant deviations from that regime when new international agreements on the use of and exploration for living and non-living marine resources are concluded. We believe that coordination on the basic aspects of international law regulating marine activity should remain at the centre of the attention of the General Assembly in its discussions.

There is serious concern over illegal trafficking in weapons and drugs and illegal migration using the high seas. Piracy and armed robbery must also be met with a decisive international rebuttal. We welcome the fact that the effort to combat transnational organized crime has been stepped up, in particular the measures which have been adopted in this respect by the International Maritime Organization. We consider it most timely that during the Informal Consultative Process on marine matters we should discuss coordinating and cooperating to combat piracy and armed robbery.

No less important if we are to establish peaceful, sustainable economic activities on the high seas is tackling the problem of how we are to preserve the marine environment while managing and protecting our marine resources. The Russian Federation views these provisions of the Convention and of Agenda 21 as a programme that provides for sustainable development of seas and oceans at the national, regional and the global levels. Nevertheless, we cannot fail to be seriously concerned about the problem of implementing these international instruments and in particular about the fact that many developing countries, particularly the least developed countries and the small island States, do not have the necessary material and financial resources, or indeed the scientific and engineering potential, to fully implement the Convention and Agenda 21. In this respect, we support the appeal to organizations that offer international development assistance to concentrate particularly on establishing in developing countries the economic, legal and scientific infrastructures that they need to make sustainable use of the oceans and their resources and also effectively to enjoy their rights and implement their commitments as laid down in these documents.

We consider that we should also tackle this issue, as provided for in draft resolution A/55/L.10, by discussing how to enhance international cooperation in the field of marine scientific research and the transfer of marine technology, consistent with the principles and criteria enshrined in the Convention.

On the subject of the problems of large-scale pelagic drift-net fishing and the related issues of sustainable management of our living marine resources and their conservation, we would like to stress that the depletion of living resources in some parts of the oceans and the emergence of new serious threats to the environment all go to make the defence of the marine environment and its effective and balanced conservation a priority task for the international community.

In 1997 the Russian Federation was one of the first nations to ratify the Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. We view this Agreement as an important staging post in the implementation of the Convention and as a compendium of international standards laying down the parameters for cooperation between States with regard to fishing and the conservation of fish stocks. For us it is a matter of exceptional importance that the Agreement should enter into force as soon as possible, with a broad partnership of States, and be effectively implemented in order to conserve and manage straddling fish stocks and protect the marine environment.

At the national level we have adopted an integrated series of measures to implement the Code of

Conduct for Responsible Fisheries and the Agreement on straddling fish stocks. The Russian Federation, in full compliance with our national fishing regulations, does not carry out any type of commercial drift-net fishing at all. We call for the adoption of targeted measures for the rational use of our fish resources, including by decreasing the intensity with which we fish. Russia supports the approval by the United Nations Food and Agriculture Organization Committee on Fisheries of the international plans of action for reducing the incidental take of seabirds in longline fisheries, for the conservation and management of sharks and for the management of fishing capacity.

Another priority for us is the effort at all levels to combat smuggling and illegal, unreported and unregulated fishing. For that reason we support the contents of draft resolution A/55/L.11, under agenda item 34(b), as an appeal to all States and international organizations with appropriate jurisdiction to take action to deal with such illegal and unregulated fishing.

The General Assembly's annual overview discussion of the issues of oceans and the law of the sea gives Member States the opportunity to state their views on those topics which are most urgent. The oceans and the seas are different and special when it comes to the need for international coordination and cooperation, and they require a comprehensive global approach to the consideration of their legal, economic, social and environmental aspects.

In this respect, Russia, as a great sea Power, sets great store by what happens on the high seas and intends actively to continue its support for the drive to improve cooperation between States in the exploration and use of the oceans and seas and to further strengthen the international legal regime established by the United Nations Law of the Sea.

And, finally, may I say how highly we appreciate the Secretary-General's report contained in document A/55/61 and we are also grateful to those members of the Secretariat who deal with the law of the sea for all their hard work to produce this document.

Mr. Donigi (Papua and New Guinea): I am deeply saddened by the recent death of Mr. Justice Lihai Zhao, a member of the International Tribunal for the Law of the Sea. I offer my Government's sincere condolences to the family of the late Judge Zhao and to the Government of the Peoples Republic of China.

I take the floor at this juncture in my capacity the President of the Tenth Meeting of the States Parties to the United Nations Convention on the Law of the Sea.

The Registrar of the Tribunal will soon be calling for nominations to fill the vacant seat on the Tribunal pursuant to the provisions of Annex VI to the Convention on the Law of the Sea (UNCLOS). Whilst there is a procedure for the calling of nominations, the Convention only requires the President of the Tribunal to consult with States parties in setting a date for the election. The next meeting of the States parties is scheduled for 14-18 May 2001. Member States may be requested to give due consideration as to whether or not there will be a need for scheduling a special meeting to elect a replacement judge or to wait until the scheduled meeting in May. At a time, when States parties are more cost conscious, it may be wise to schedule the election during the States parties meeting in May 2001 and not at an earlier date, especially when the vacancy will not unduly affect the work of the Tribunal.

The Tenth Meeting of the States Parties to UNCLOS was held from 22 to 26 May 2000. The meeting noted that Nicaragua had deposited its instrument of ratification and was scheduled to become the 133rd State party on 2 June 2000. I note also that Maldives and Luxembourg have since ratified the Convention, bringing the total to 135. The Convention is increasingly becoming a unique instrument of international law, as can be seen by the number of States that have became parties to it. The Convention is unique because it contains a set of criteria and principles outlining the understanding reached between States possessing the technological skills, expertise and equipment and those whose lives depend on the bounties of the oceans and the resources of the seabed. The priority agenda for the meeting was the draft budget of the International Tribunal for the Law of the Sea, the Financial Regulations of the Tribunal, the Report of External Auditors and the Rules of Procedure for the Meeting of State Parties, in particular Rule 53 dealing with decisions on questions of substance. Another matter dealt with at the meeting was a request by the President of the Commission on the Limits of the Continental Shelf to finance participation by members of the Commission from developing countries. The President of the International Tribunal for the Law of the Sea, Mr. Justice Rao, submitted the annual report of the Tribunal to the meeting and also

addressed the meeting. The Secretary-General of the International Seabed Authority also addressed the meeting.

The report of the Tenth Meeting of the States Parties to UNCLOS is contained in document SPLOS/60 dated 22 June 2000 and can be found on the web site of the Division for Ocean Affairs and the Law of the Sea.

I wish, through you, Mr. President, to extend my sincere gratitude to the members of the Division for their assistance, advice and support during the States parties meeting and the negotiations relating to the draft resolutions before the Assembly.

I draw the attention of members in particular to the following salient matters outlined in the Report.

The Tribunal has dealt with five cases, some involving provisional measures and others calling for more detailed analysis of the issues in dispute. Its orders and judgements have, on the whole, been followed by disputants, which attests to the importance of the Tribunal.

The budget of the Tribunal has been increased slightly, and I commend all delegations that participated in the negotiations and acceptance of the outcome.

A number of delegations proposed amendments to the Financial Regulations of the Tribunal during the meeting. The Meeting therefore requested the Secretariat to prepare a revised version of the Financial Regulations taking into account the proposals and the outcome of the discussions at the ninth and tenth meetings for consideration at the eleventh meeting.

The report of the External Auditors for the financial years 1998 and 1999 were submitted by the Registrar of the Tribunal and considered. The meeting took note of the 1998 External Auditors' Report and deferred consideration of the 1999 Report until the eleventh meeting as it had yet to be considered by the Tribunal.

The delegation of United Kingdom of Great Britain and Northern Ireland proposed the establishment of a trust fund to provide States with financial assistance in proceedings before the Tribunal similar to the one established for the International Court of Justice. The meeting agreed that such a fund should be established. I note with great appreciation that delegations participating in the negotiations on the omnibus draft resolution on the law of the sea have agreed to this proposal as contained in paragraph 7 of Annex I of the draft resolution contained in document A/55/L.10.

The meeting was informed that the Council of the International Seabed Authority had adopted the Financial Regulations of the Authority and that substantive progress had been made on the draft regulations for prospecting and exploration for polymetallic nodules. I note that since the meeting, the Council of the International Seabed Authority had adopted the regulations, thereby making it possible for the seven pioneer investors to execute contracts to carry out this activity within the Area. I note that paragraph 7 of the omnibus draft resolution deals with this subject. I urge all the pioneer investors through their respective member States to proceed to execute their respective contracts with the Authority, as soon as possible.

The meeting adopted a decision to recommend to the General Assembly the establishment of a voluntary trust fund for the purpose of defraying the costs of participation of the members of the Commission on the Limits of the Continental Shelf from developing countries in the meetings of the Commission. I am glad that this decision has been reflected in paragraph 20 of the omnibus draft resolution.

The meeting further decided to recommend to the General Assembly the establishment of additional voluntary trust funds for the purposes of: (a) providing assistance to States Parties to meet obligations under article 76 of the Convention and (b) providing training to countries, in particular the least developed among them and small island developing States, for preparing submissions to the Commission with respect to the outer limits of the continental shelf beyond 200 nautical miles, as appropriate. This decision is now reflected in paragraphs 9 and 19 and Annex II of the omnibus draft resolution. I wish to take this opportunity to especially thank the Government and delegation of Norway for their constructive approach and their work in drafting the relevant paragraphs and Terms of Reference, Guidelines and Rules which formed the basis of the negotiations leading to the finalization of the text contained in the omnibus draft resolution. Of concern to some delegations is the 10-year limit for compliance with article 4 of Annex II to UNCLOS. This will become a subject for an additional

agenda item for the eleventh meeting of the States parties. Discussions on decisions affecting questions of substance were deferred to the eleventh meeting. Some delegations were opposed to the proposal to introduce a weighted voting system on matters of substance. Likewise, a proposal to establish a finance committee for reviewing the budget of the Tribunal was also deferred to the eleventh meeting.

Extensive consultations were held in respect of a proposal by Chile for the inclusion of an item in the next Meeting of the States parties to be entitled either "Implementation of the United Nations Convention on the Law of the Sea" or "Issues of a general nature related to the United Nations Convention on the Law of the Sea". Divergent views were expressed at the meeting. It was agreed to include in the agenda of the eleventh meeting an item entitled "Matters related to article 319 of the United Nations Convention on the Law of the Sea".

Another matter that required further study was a proposal for an African institute for oceans affairs.

Since the tenth Meeting of State Parties, the Secretary-General of the United Nations, Mr. Kofi Annan, received, at a ceremony on behalf of the Tribunal of the Law of the Sea in the Free and Hanseatic City of Hamburg, witnessed by the Judges, the key to the new premises of the Tribunal. My Government — and I am confident the Governments of all participating States would want to join us — acknowledges and welcomes this gift from the Government of the Federal Republic of Germany.

In my capacity as head of my delegation, I endorse fully the contents of the statement by the representative of Tonga, His Excellency Ambassador Tupou, speaking on behalf of the Pacific Forum Group of Countries and on behalf of his own delegation.

However, I would wish to make a few comments. Many delegations have referred to the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, otherwise known by its acronym UNICPOLOS. The first meeting of UNICPOLOS produced some positive results. These were reflected in the omnibus draft resolution before us. My delegation specifically noted the active participation of delegations during the negotiations leading up to the finalization of the omnibus draft resolution now before this Assembly. We are confident that this renewed interest in the affairs of the oceans and its resources could not have come about without UNICPOLOS.

We look forward to the second meeting of UNICPOLOS, scheduled for early May 2001. The subject of marine science and development and transfer of marine technology and capacity-building in these fields are important to my Government, as it is the first Government to issue commercial exploration licenses for deep-sea exploration of the seabed within its national jurisdiction.

My delegation welcomes the rearrangement of meetings next year, so that UNICPOLOS will meet one week before the meeting of the States parties. The meeting of the States parties will therefore have the benefit of the outcome of the UNICPOLOS meeting prior to its deliberations.

Piracy and armed robbery at sea are also of concern to us. It is a problem among some of our neighbouring States. We are concerned that some of these illegal activities may affect our nationals and impinge on the area of our national jurisdiction. We therefore support any constructive debate to find solutions or develop appropriate measures to combat these illegal activities.

On the question of fisheries, we welcome the Convention on the Conservation and Management of Highly Migratory Fish Stocks in Western and Central Pacific Ocean, concluded in Hawaii on 4 September 2000. My Government participated for six years in the negotiations leading up to the conclusion of this Convention. We believe it is consistent with UNCLOS and the United Nations Agreement on Fish Stocks. We urge Governments that participated in the negotiations and have expressed reservations during the concluding phase to reverse their position and agree to be parties to the new Convention.

I have heard the reasons put forward by Australia this afternoon and found them to be overwhelmingly convincing in this regard. My Government also wishes to thank all those Governments that have contributed to the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea. We are pleased that a young Papua New Guinean lawyer was the beneficiary of this fellowship this year, and we thank the contributing Governments for facilitating her study programme in Germany and with the Division for Ocean Affairs and the Law of the Sea here in New York. My delegation also wishes to join others in

congratulating Ambassador Satya Nandan on his unanimous re-election as the Secretary-General of the International Seabed Authority.

My delegation endorses both draft resolutions before this Assembly.

Mr. Al-Dailmi (Yemen) (*spoke in Arabic*): At the outset, my delegation expresses its appreciation to the Secretary-General for his comprehensive report, contained in document A/55/61, on the oceans and the seas.

The marine environment constitutes an economic and human priority for my country. It is a primary source of livelihood for many people in my country, especially on the eastern and southern coasts. Proceeding from this premise, my delegation maintains that, without compromising Yemeni laws, the United Nations Convention on the Law of the Sea is one of the cornerstones of the legal framework of sea and ocean matters because of its strategic importance as the framework for national, regional and international work related to the seas. The marine environment, including the oceans, seas and adjacent coastal areas, is an integral whole and represents one of the main components of the international system for the sustenance of life, providing basic resources for food security and continuity of economic prosperity for present and future generations. It is the international community's responsibility to provide the necessary framework to protect the marine environment from all dangers.

We wish to emphasize the importance of ecological systems in the seas and in coastal areas in combating poverty and achieving food security. Illegal and unregulated fishing is a violation of international law. We appreciate efforts made to control illegal and unreported fishing. All countries should have complementary mechanisms and measures in this regard. My delegation attaches great importance to cooperation and coordination at all levels — international, regional and national — since they are conducive to the preservation of ocean and sea resources and its necessary sustainable development. We are one of the countries that has signed the Convention — the Law of the Sea. We consistently participate in meetings and cooperate and coordinate with all the parties. Conflicts over territorial waters and islands are among the problems that impede development and the protection of marine life. We emphasize the view that conflicts should be settled peacefully, an approach adopted by my country in settling all conflicts with all our neighbours.

The Acting President: The General Assembly will hear the remaining speakers and will take action on draft resolutions A/55/L.10 and A/55/L.11 on Monday morning, 30 October, as the first item at 10 a.m.

Programme of work

The President: I should like to make an announcement concerning the programme of work of the General Assembly for the morning of Monday, 30 October, which appears in today's *Journal*. Draft resolutions A/55/L.14, A/55/L.17 and A/55/L.18, as well as draft decision A/55/L.3, are now available at the document distribution counters in the General Assembly Hall and in the first basement.

I should also like to announce two additions to the programme of work for the end of next week. On the morning of Thursday, 2 November 2000, the General Assembly will take up, as the second item, agenda item 179, entitled "Review of the problem of human immunodeficiency virus/acquired immunodeficiency syndrome in all its aspects", which was postponed from 3 October 2000. Members are aware that draft resolution A/55/L.13, under agenda item 179, has already been issued.

On the morning of Friday, 3 November 2000, as the second item, the General Assembly will take up agenda item 61, entitled "Strengthening of the United Nations system". Draft resolution A/55/L.19, under agenda item 61, has been circulated this morning.

I should also like to inform Members that next week, on Monday, 30 October 2000, document A/INF/55/3/Add.2, containing a revised tentative programme of work and schedule of plenary meetings of the General Assembly, will be circulated to delegations.

The meeting rose at 6.30 p.m.